

1 MARCH 1948

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Monday, 1 March 1948

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE LORD PATRICK,
Member from the United Kingdom of Great Britain, not
sitting from 0930 to 1600; HONORABLE JUSTICE HENRI
BERNARD, Member from the Republic of France and
HONORABLE JUSTICE I. M. ZARYANOV, Member from the USSR.,
not sitting from 1330 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese to English interpretation was made by the Language Section, IMTTFE.)

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now in session.

THE PRESIDENT: Mr. Sandusky.

MR. SANDUSKY: May it please the Tribunal,
I present the summary of evidence with respect to the
accused SHIRATORI, Toshio.

THE PRESIDENT: Before you do so I must
announce that all the accused are present except
UMEZU and MUTO who are represented by counsel. The
Sugamo prison surgeon certifies that they are ill and
unable to attend the trial today. The certificate
will be recorded and filed.

MR. SANDUSKY: I. THE COUNTS

UU-1. The accused SHIRATORI, Toshio, is
charged under the following Counts of the Indictment:
1-17; 27-32; 34; and 44, all numbers being inclusive.

II. SHIRATORI'S BACKGROUND.

UU-2. The official curriculum vitae of
SHIRATORI sets forth the following information on his
career that will be of assistance in understanding
and following the course of the summary of evidence.
He entered the diplomatic service in July 1914 and
served in minor diplomatic posts successively in
Hongkong, United States, the Foreign Ministry in
Tokyo, and China. From August 1926 until September

1928, he served in the Japanese Embassy in Berlin.

1 His connection with the Information Bureau of the
2 Foreign Ministry began in January 1929 when he was
3 appointed Chief of the Second Section of that Bureau.
4 After serving as Acting Chief of the Bureau from
5 November 1929 to May 1930, he was given full appoint-
6 ment as Chief of the Information Bureau in October,
7 1930, and continued in that position until June 1933,
8 when he was ordered to serve as Minister in Sweden
9 and concurrently to handle affairs relating to Norway,
10 Denmark, and Finland. He was released from that
11 diplomatic mission 28 April 1937 and on the same date
12 was ordered to render temporary duty for the Foreign
13 Ministry in Tokyo and was given a full salary on the
14 Waiting List of Ambassadors. He continued in that
15 status until 22 September 1938 when he was appointed
16 Ambassador to Italy. Though he was not officially
17 released as Ambassador to Italy until 9 January 1940,
18 his actual service in Italy extended from 29 December
19 1938 to 15 September 1939. After release from his
20 Italian assignment in January 1940, he was placed on
21 the "Waiting List at one-third salary. He continued
22 in this status until he was released at his own re-
23 quest from his official post 28 August 1940 to enable
24 him to accept the position as Advisor to the Foreign

Minister. He resigned as Advisor on 22 July 1941.
1 From May 1942 until June 1943, he was a member of the
2 Board of Directors of the Imperial Rule Assistance
3 Political Society. He held membership in the Diet
4 from April 1942 until his resignation in December 1945.

5 UU-3. At first glance, the positions held
6 by SHIRATORI do not seem to have placed him in a
7 position where he could be a moving force in con-
8 ceiving or effectuating the ends of the conspiracy.
9 He was never in the military service nor was he a
10 State Minister sharing prime responsibilities for
11 cabinet decisions. Nevertheless, it will be shown
12 in the course of this summary of evidence how he pro-
13 jected himself from these secondary bases in the
14 governmental hierarchy into the higher levels of
15 policy decisions and how he utilized the fund of in-
16 formation and grasp of affairs he acquired in these
17 positions to become, of his own personal choice, one
18 of the most effective and most poisonous propagandists
19 for aggressive expansion. One may well take the
20 position that his crimes are the more serious because
21 they did not seek him out, as it were, by virtue of
22 his position, but rather he so extended and distorted
23 what might have been innocuous functions as to bring
24 25

(UU-2. c. Ex. 125, T. 783
Ix. 3575, T. 34830)

him into full, conspiratorial partnership with his
1 fellow defendants before the Tribunal.

2 III. AS CHIEF OF INFORMATION BUREAU, FOREIGN
3 MINISTRY.

4 UU-4. SHIRATORI's activities in the foreign
5 service prior to his assignment as Chief of the Infor-
6 mation Bureau were routine and have no direct bearing
7 on the charges brought against him. The background
8 and experience he gained from four and a half years
9 in America and from his two-year assignment in pre-
10 Hitlerite Germany do point to this fact, however,
11 which is not without significance: SHIRATORI was not
12 the narrow-minded product of a wholly feudal environ-
13 ment that his later hysterically inflammatory speeches
14 make him appear to be.

16 UU-5. SHIRATORI has minimized the importance
17 of the Chief of the Information Bureau, known to the
18 world as the "Foreign Office Spokesman," by character-
19 izing the position as one in which his "main business
20 was nothing more than handing out news items" to for-
21 eign correspondents from day to day. Though he
22 dismissed the issuance of statements and declarations
23 of policy by the government on foreign affairs as a
24 mere routine belonging to his office, it was brought
25

(UU-5. a. Ex. 3595, T. 35031
b. Ex. 3595, T. 35031)

out in cross-examination that he was involved in much
1 more than the mere physical transmission of such
2 statements. He admitted that when he presented to the
3 press prepared announcements of policy he would rely
4 upon other information in his possession to interpret
5 the policy and explain its significance. He con-
6 firmed that his range of knowledge as Chief of Infor-
7 mation was far wider than that of any other bureau
8 Chief because his position required him to read all
9 communications and documents relating to all bureaus
10 as well as to maintain daily contact with the Foreign
11 Minister. While admitting that he was in a position
12 to color or to twist facts in his presentations to
13 the press, he indignantly denied that he did so,
14 saying that "as a civil servant I did have a conscience
15 in regard to such matters." However, his conscience
16 lost its luster when he was obliged later to recognize
17 an earlier admission that in handling matters relating
18 to actions of the military clique he tried "to cast
19 as plausible and as bright a surface as possible on
20 the things they had done" so as to cover up for the
21 military and make both the "inside public and the
22 outside world" pleased with their actions.
23

24 (UU-5. c. T. 35056
25 d. T. 35068
e. Ex. 3595, T. 35065
f. T. 35066
g. T. 35067)

UU-6. It was during this stage of his career
1 that SHIRATORI formed the strong ties that were later
2 to make him the Foreign Office favorite of the Army
3 group and still later the militant advocate of the
4 aggressive aims of the militarists. After he had
5 first maintained that "there was no especial necessity
6 for me to associate with army officers directly" and
7 that liaison with the army was carried on by other
8 bureaus in the Foreign Ministry, SHIRATORI was con-
9 fronted with an earlier admission that in fact he was
10 one of Foreign Office officials selected by Foreign
11 Minister SHIDEHARA for the special purpose of maintain-
12 ing liaison with the Army during the Manchurian
13 b. Incident. Though SHIDEHARA evidently established
14 such liaison as a means of keeping abreast of army
15 machinations^{c.} the Army used the device to get counsel
16 and guidance as to how to justify their aggressive
17 acts before the League of Nations in Geneva, and how
18 to prepare for and answer American protests to continued
19 treaty violations.^{d.} That SHIRATORI lent himself
20 willingly to this and that he performed valuable and
21 substantial service for the Army in this relationship
22
(UU-6. a. T. 35071
23 b. T. 35076
24 c. T. 35072
25 d. T. 35073)

is clear from his admission that he was in favor with
the Army.^{e.} One has difficulty in reconciling this
popularity with the plotters of the Mukden Incident
and the conquest of Manchuria with his protestation
of being "a faithful votary" of the so-called
^{f.} SHIDEHARA diplomacy of conciliation. Such popularity,
as well as that later support he drew from military
circles, also seems to contradict his claim that he
was so high-minded and impartial that he even gave
out telegrams to the press when it was disadvantageous
^{g.} to have them published abroad. While lamenting that
the Foreign Office could do little to influence the
course of events one way or another,^{h.} SHIRATORI pointed
to no effort on his own part, other than an appeal
at the direction of the Foreign Minister to the press
for cooperation in the peaceful adjustment of the situ-
ation, to keep the press free from an inflammatory tone
or to keep the public informed of the facts as the
^{i.} Foreign Office knew them to exist in reality.

UU-7. SHIRATORI's early decision to associate
himself with the military group dedicated to Japan's
armed expansion is perhaps most clearly shown in his
advocacy sometime before May 1932, of Japan's withdrawal

(UU-6. e. T. 35072
f. Ex. 3595, T. 35029
g. T. 35077
h. Ex. 3595, T. 35051
i. T. 35077

from the League of Nations. Though he specifically
1 denied that he was an advocate of withdrawal,
2 convincing evidence was later adduced which set forth
3 his argument that Japanese actions in Manchuria since
4 18 September 1931 had made it impossible for Japan to
5 remain in the League of Nations and that it was un-
6 reasonable for the small nations of Europe to attempt
7 to restrain Japan.^{b.} Here again is the paradox of
8 this self-proclaimed votary of conciliation urging,
9 within at most eight months from the initial on-
10 slaughter at Mukden, that Japan repudiate the League of
11 Nations in order to free herself from the restraints
12 that the family of nations had imposed upon itself
13 as the minimum standards of civilized international
14 conduct.

16 UU-8. Implicit in the position SHIRATORI
17 took regarding withdrawal from the League was the re-
18 cognition that Japan's aggression in Manchuria was
19 clearly subject to condemnation by the League. Equally
20 implicit in his stand was the acceptance of the con-
21 spiratorial view that Japan should continue and
22 should broaden her attack on the continent. With-
23 drawal from the League and its restraints was the next
24 logical step to be taken in furtherance of the

25 (UU-7. a. T. 35081
b. T. 35081-2)

conspiracy, and hence it was the step urged by SHIRATORI.
1 Notably, his argument on the matter did not include
2 the claim that the League misapprehended the true
3 situation, the claim of self-defense, or the other
4 familiar Japanese protestations of the time. And
5 certainly such phrases were not unknown to the spokes-
6 man who daily issued to the press indignant denials
7 of aggression and elaborate justifications of Japanese
8 military action in Manchuria. This simply illustrates
9 that every member of the conspiracy knew why Japan's
10 Army was in Manchuria and knew why Japan must with-
11 draw from the League.
12

UU-9. SHIRATORI's experience in casting
13 "as plausible and as bright a surface as possible on
14 the things they /the army/ had done" made it only
15 natural that he should have been one of the drafters
16 of the Japanese reply to the report of the Lytton
17 b. Commission. Later in redirect examination SHIRATORI
18 attempted to modify his admission that he "did take,
19 c. part in drafting the Japanese reply" by claiming
20 d. that he did nothing more than translate the document.
21 In answer to this belated change of story, suffice it
22 to say it offends credence to be asked to believe
23
24 (UU-9. a. T. 35066
25 b. T. 35082
c. T. 35082
d. T. 35144)

that the talents of the Foreign Office Spokesman,
1 the Chief of an important bureau, were confined to
2 the clerical function of translation. The proposition
3 is the more ludicrous when one considers his eminent
4 qualifications to draft such a document: He was an
5 open advocate of withdrawal from the League; he was
6 high in Army favor; as spokesman for the Foreign
7 Office he had been justifying the Manchurian Incident
8 to the press of the world; and, by his own admission,
9 he was better informed on foreign policy matters than
10 any other bureau chief.
11

UU-10. The broad significance of Japan's
12 ultimate withdrawal from the League of Nations and
13 the impetus it gave to furthering the conspiracy have
14 been discussed in the General Summation and need not
15 be again considered here. But before leaving SHIRATORI's
16 contribution to this milestone in the conspiracy it
17 should be noted that his views were accorded the most
18 serious consideration at the highest policy-making
19 levels. SHIRATORI's opinion was either expressed
20 directly to Baron HARADA, on whose reports Prince
21 SAIONJI relied in making his important decisions, or
22 it had merited such attention in policy circles as
23 to become known to HARADA. His argument for withdrawal
24 was carried to the Prime Minister, and HARADA planned
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1 to discuss it with INOUYE and SHIRATORI's present co-
2 defendants, KIDO and SUZUKI, before reporting the
3 matter to the Genro.

4 UU-11. If it be true that the position of
5 Chief of Information, per se, was of lowly stature
6 not involving policy matters, then it is abundantly
7 clear that by his maneuvering in the interest of the
8 conspiracy SHIRATORI raised himself in fact far above
9 the political mediocrity of his position. That his
10 activities were calculated to advance the conspir-
11 atorial aims may be seen from his persuading Baron
12 HARADA in September 1932 that the arch-militarist,
13 War Minister ARAKI, be made Premier. His argument for
14 such appointment was, in brief, that the exchange rate
15 had dropped because Japan did not have a strong govern-
16 ment and that, therefore, it would be a good policy
17 "to have ARAKI, who is a representative of the power-
18 ful militarists, become our Prime Minister, and to
19 proceed upon an unwavering policy for five or six
20 years more." Thus, though scarcely a function of
21 the Chief of Information, SHIRATORI sought to still
22 the dissentient voices in the government that still
23 spoke out against the army policies in Manchuria. It
24 (UU-10, a. Ex 37634, T. 37603)
25 (UU-11. a. Ex 3764, T. 37606)

will be observed that SHIRATORI could well hope that the
1 ARAKI policy would be "unwavering" because months
2 previous he had begun to prepare for the removal of
3 possible external restraints by working for Japan's
4 withdrawal from the League, as already noted. If
5 SHIRATORI did not succeed in promoting the candidacy
6 of ARAKI to lead the government, at least his efforts
7 were rewarded when Japan withdrew from the League of
8 Nations on 24 February 1933.

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(UU-11, b, 5, 35081)

UU-12. Even without co-conspirator AKAKI
1 at the helm SHIRATORI was sufficiently pleased with
2 the course the Japanese ship of state was taking as
3 to be reluctant in May 1933 to go abroad as a minister
4 or a councillor for the reason, it is logical to as-
5 sume, that he feared he might lose his influence in
6 the direction of the government. As recounted by
7 a.
8 Baron HARADA, when SHIRATORI was approached about
9 going abroad, he objected strongly saying, "If I should
10 be sent out, there is no telling as to what may happen."
11 This we have from a man who tells the Tribunal that
12 his main function was to pass out news items to foreign
13 correspondents. That he actually did have influence
14 which he might lose by going abroad is illustrated by
15 the fact that even as a bureau chief his support and
16 connections were strong enough to enable him to bar-
17 gain successfully with the Foreign Minister regarding
18 his proposed transfer. The account of the affair as
19 told to Baron HARADA by Vice Foreign Minister ARITA
20 tells that SHIRATORI agreed to go abroad if ARITA also
21 would be sent abroad. To meet SHIRATORI's terms Foreign
22 Minister UCHIDA was willing to send his Vice Foreign
23 Minister away as Ambassador to England but ARITA, rather
24 (UU-12. a. Ex. 3773-A, T. 37640
25 b. Ex. 3595, T. 35031
c. Ex. 3773-A, T. 37640)

than accept, resigned his position. At this, SHIRATORI
1 felt obliged to resign also, but after consultation with
2 co-conspirator (and co-defendant) SUZUKI he decided to
3 accept a post as minister to a foreign country "pro-
4 vided there will be no change in policy."
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6 IV. PERIOD PRIOR TO HIS ASSIGNMENT TO ITALY

7 A. SHIRATORI Becomes Minister to Sweden

8 UU-13. Having exacted the pledge that there
9 would be no change in the policy of aggression that had
10 carried Japan into and through two years of the Man-
11 churian Incident, SHIRATORI took up his post as Min-
12 ister to Sweden. In that capacity he also handled
13 diplomatic affairs relating to Norway, Denmark, and
14 Finland. This assignment which lasted until April 1937,
15 (although he actually returned to Tokyo in December 1936)
16 was uneventful in so far as the conspiracy is concerned.
17 The period is important, however, because it was during
18 this time that he was afforded the opportunity to ob-
19 serve at close hand the development and rise of Hit-
20 lerite Germany. Being a student of government and
21 having spent two years in Germany previously, SHIRATORI
22 could not but divine the character and sense the impli-
23 cations and world significance of the Nazi movement.
24 It is noteworthy that during his three years' stay in
25 Scandanavia, SHIRATORI visited co-defendant OSHIMA, then

military attaché, four or five times in Berlin, and also during this time the Anti-Comintern Pact was conceived and concluded. SHIRATORI did not recall any connection with the Pact but the honesty of that failure of recollection must be determined in the light of his revealing letter to ARITA in November 1935. That exhibit was not read in full into the transcript.

B. SHIRATORI Calls for War with the
Soviet Union

UU-14. At the time the letter to ARITA was
written SHIRATORI was Minister to Sweden and ARITA was
Minister to Belgium. In elaborating his principal argu-
ment calling for an immediate showdown with Russia he
also revealed his own general political philosophy as
one based on opportunism and the use of force as an
instrument of national policy. He announces his con-
clusions as the result of extensive reading and study
of international situations during two years in Sweden.
SHIRATORI has grown distrustful of the diplomacy of the
Foreign Office, which he considers to be passive and
conciliatory and without definite objective. Concilia-
tion, he asserts, is merely a means of diplomacy and is

(UU-13. a. T. 35085
 b. T. 35086
 c. Ex. 774-A, T. 7882)
 (UU-14. a. Ex. 3578, T. 34845
 b. Ex. 774-A, T. 34838
 e. Ex. 774-A, p. 9).

merely technical. If it is to be a principle it must
1 be thorough, but to those who favor conciliation as a
2 principle he poses the question: "Have they enough
3 courage to return Manchuria to China, to get reinstated
4 in the League of Nations, and to apologize to the world
5 for the crime?" Thus, SHIRATORI disposed of concilia-
6 tion as a possibility that Japan might pursue in her
7 intercourse with other powers and thus he chose the
8 path of international outlawry. Stating that the Man-
9 churian Incident was nothing more than an effort aimed
10 to emancipate the Manchurian-Mongolian territories
11 from foreign influence, he says that "our future policy
12 towards China should be aimed solely at the exclusion
13 d. of outside influences . . ." By this he does not mean
14 that all foreign activities should be excluded so that
15 Japan could obtain monopolistic positions but only
16 those influences harmful to China "and consequently to
17 Japan." Thus, it will be observed Japan and not China
18 would be the judge of what is harmful to China. Coming
19 to his main argument, he says that "among the foreign
20 influences that should above all be expelled is that of
21 f. Red Russia." Soviet Russia, he argues, is in that
22 state of development where "she will immediately sustain
23 (UU-14. d. Ex. 774-A, T. 34840
24 e. Ex. 774-A, T. 34841
25 f. Ex. 774-A, T. 34842)

internal collapse once she fights against some great
1 power." Because of this, Russia is most desirous
2 of maintaining peaceful relations with foreign powers.
3 Therefore, countries that have any pending affairs
4 that must be settled sooner or later should not idle
5 away this opportune time. SHIRATORI states his position
6 thus: "Fates have that the Slavs and the Yamato races
7 must eventually fight each other for supremacy on the
8 Asiatic continent. * * * I believe that adoption of a
9 policy for an instantaneous removal of future calamity
10 at this stage when they are comparatively impotent is a
11 matter which never should be neglected by those who
12 bear concern for the welfare of the people and the
13 nation. I am not saying that we should unreasonably
14 force a war against Soviet Russia now. I am only say-
15 ing that we should start negotiations with her with de-
16 termination, not refusing even war if it is inevitable,
17 to shut her out completely from advancing into East
18 h.
19 Asia."

20 UU-15. Speaking of the scope and the urgency
21 of this undertaking, he states, "Moreover, it is nec-
22 essary that the liquidation of relations with Soviet
23 Russia be thoroughgoing in order to sweep away the
24 uneasiness not only for the present but to be rid of
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(UU-14. g. Ex. 774-A, p. 6
h. Ex. 774-A, T. 7885)

the fears and worries from the northwest forever.

1 Therefore, it is natural that way may be unavoidable.

2 It is needless to say that a diplomat should not talk
3 rashly about such matters, but I believe that if we
4 miss this opportunity today, we shall never have
5 another opportunity to oust the Slav peril forever.

6 If we execute this today, I firmly believe that we can
7 accomplish it thoroughly with minimum sacrifice and
8 with least fear of interference by third parties.^{a.}

9 Again, this we have from the self-styled ~~vatory~~ of the
10 diplomacy of conciliation. On this point it is not
11 amiss to note that in writing to Arita he was a less
12 ardent apostle of conciliatory diplomacy than he was in
13 his appearance before the Tribunal. He wrote, "The
14 so-called conciliatory diplomacy was welcomed as a tem-
15 porary measure in our country after the tempest of the
16 Manchurian Incident, but upon reconsideration it was
17 merely a slogan having no particular contents."^{b.}

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19 C. SHIRATORI Proclaims Himself an
20 Apostle of Aggression

21 UU-16. It is submitted that there could not
22 be a clearer, more definite expression of aggressive
23 intent than the proposals set forth by SHIRATORI vis-
24 a-vis the Soviet Union. In addition to the specific

25 (UU-15. a. Ex. 774-4, T. 7886, p. 10
b. Ex. 774-4, p. 9)

plan with respect to Russia, the document has further
1 importance in that it is the first clear-cut and un-
2 mistakable expression we have in SHIRATORI's own words
3 of his wholehearted approval of the over-all policy
4 of the conspiracy, i.e., that in seeking her destiny
5 Japan should be guided by armed opportunism and the
6 weaknesses of her neighbors rather than by peaceful
7 negotiations and adherence to treaties. His cynical
8 acceptance of war as an instrument of national policy
9 is graphically illustrated by his statement that "we
10 must anticipate that at least a half or one year will
11 elapse before hostilities with Soviet Russia will break
12 out. At the present world situation, during that per-
13 iod, she cannot make ample preparations for lack of fi-
14 nancial credit and lack of exchangeable goods. On the
15 other hand, we can make adequate preparations. This is
16 the reason why I consider that this moment of world de-
17 pression is the most opportune moment."^{a.} Again in a
18 further statement to ARITA, SHIRATORI revealed his
19 wholly amoral political opportunism and his willingness
20 to solicit support for the militarists regardless of the
21 merits of their policies. In discussing the proposition
22 of war with Russia, he states, "It all depends upon
23 the disposition of the militarists in the near future.
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(UU-16. a. Ex. 774-a, p. 11)

If the militarist's policy is decided, nothing could
1 prevent it under the present circumstances and if
2 neither diplomats nor political parties could suppress
3 them, why not support their policy and exert our best
4 to carry it out? This is my conclusion."
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(UU-16. b. Ex. 774-A, p. 2)

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1 D. SHIRATORI Pleads the Private Character
2 of His Conspiratorial Acts.

3 UU-17. The validity of this evidence,
4 challenged by the defense, was fully substantiated
5 by witness YATSUGI, Kazue, who testified that he
6 personally made the copy of the letter that is in evi-
7 dence before the Tribunal. Being unable to find any
8 sound ground upon which denial or repudiation of this
9 letter could be based, and at the same time recognizing
10 that with this letter SHIRATORI had wrapped himself
11 securely in conspiratorial robes, the defense sought
12 to escape responsibility by a plea of injured innocence,
13 to-wit, the letters were "private" -- they were not
14 written by the accused in his official capacity as
15 Minister to Sweden.

16 UU-18. Either by reason of misapprehension of
17 the Indictment or because of the absence of any excul-
18 patory evidence, SHIRATORI's defense attempted in
19 general to meet specific items of evidence with a
20 variety of answers such as "the letter was private,"
21 "the meeting was a social occasion," "the conversation
22 was personal and unofficial," "the speech was not
23 officially approved," "the article was not written in
24 (UU-17. a. T. 7879.
25 b. Ex. 3577, T. 34835.
 c. T. 34838.)

1 an official capacity," et cetera. At the risk of
2 commenting on the obvious, it is observed that SHIRATORI
3 was not indicted as Minister to Sweden or as
4 Ambassador to Italy or as Foreign Office Adviser or in
5 any other official capacity. He stands indicted as an
6 individual charged with certain enumerated crimes and
7 he must answer for his actions as an individual without
8 regard to the official or unofficial character of such
9 actions. It may be noted that objection was success-
10 fully made to a question as to whether certain lectures
11 were given in a private capacity on the ground that "if
12 any act contributes to the conspiracy or is covered
13 by any of the charges in the Indictment, it is immaterial
14 whether he did so in an official capacity or in his
15 a.
16 private capacity."

17 E. SHIRATORI Returns to Japan to Become the
18 Conspiracy's Spokesman for Totalitarianism.

19 UU-19. In October 1936, SHIRATORI was ordered
20 to return to Japan and actually arrived in Tokyo
21 23 December 1936, but it was not until 28 April 1937,
22 that he was officially released as Minister to Sweden.
23 On the same date he was ordered to temporary duty in
24 the Foreign Ministry where he was placed on the
25 ambassadorial waiting list at full pay. He remained in
(UU-18. a. T. 35010.)

that status until 22 September 1938, when he was
1 appointed Ambassador to Italy. SHIRATORI glossed over
2 this period in his direct testimony by saying that he
3 was neither offered nor did he seek an appointment in
4 the government and that he had practically no contact
5 b.
with the Foreign Ministry during this period.

UU-20. The fact that SHIRATORI may have had
7 no official functions to perform daily at the Foreign
8 Ministry is by no means an indication that he was in
9 political hibernation or that he lacked opportunity
10 to continue working in the interests of the conspiracy.
11 Instead, his freedom from routine duties seems to have
12 given him time to perfect and to urge public acceptance
13 of his thesis that totalitarianism was to be the
14 dominant political philosophy of the future. In
15 October 1937, he published an article entitled "The
16 Fundamental Significance of Our Continental Policy" in
17 which he lauded the new spiritual movement that had
18 arisen in Japan simultaneously with the outbreak of
19 the Manchurian Incident. Saying that the followers
20 of this movement were regarded as being Fascistic, he
21 agreed that the ideology of the movement, in common with
22 the new political philosophy of Germany, was totalitarian
23 and opposed to Communism and Democracy. He argued that
24

(UU-19. a. Ex. 3595, T. 34906.
b. Ex. 3595, T. 35031.)

1 liberalism and democracy based on individualism were
2 becoming outworn and that the trend to nationalism and
3 racialism was destined to continue developing. Then,
4 in the most illuminating passage in the article, he
5 scolded the people as follows for clinging to their
6 outworn beliefs in the face of the new age of totalitar-
7 ianism: "It is certainly not a matter for congratulation
8 nor does it acc any credit to the Japanese nation that
9 no progress is marked in the thought of our people to
10 keep pace with our continental policy which alone goes
11 ahead at full blast."^{a.}

12 UU-21. The prosecution attaches great signi-
13 ficance to this particular statement for the following
14 reason: As a principle of government, totalitarianism
15 has twofold application -- internally to a nation's
16 domestic affairs and externally to a nation's foreign
17 relations. We have already adverted to the fact that
18 the Five Ministers' Conference decision of 7 August
19 1936 made the totalitarian policy of the conspiracy
20 the national policy of Japan in her dealings with other
21 powers. The conspirators effected this external appli-
22 cation of totalitarianism without going to the people-
23 at-large for support, but the internal application of
24 such principles to the purely domestic scene posed a

(UU-20. a. Ex. 3596-B, T. 35104-5.)

different problem. Despite the early propaganda efforts
1 of HASHIMOTO, Kingoro and OKAWA, Shumei, the Japanese
2 people had not rallied to the standards of the conspi-
3 racy in sufficient strength to insure full support for
4 the newborn China Affair. To bring about such support,
5 SHIRATORI and his co-conspirators found it necessary
6 to chide the people because they had not accepted the
7 internal application of the new age totalitarianism
8 that was being applied externally in Japan's continental
9 policy. So it was, we submit, that SHIRATORI undertook
10 for the conspiracy his propaganda warfare at home within
11 a few months after his fellow conspirators had launched
12 the China Affair with the Marco Polo Bridge Incident.

14 UU-22. In March 1938, SHIRATORI again appeared
15 in the role of an apologist for totalitarianism,
16 urging the people to recognize that Japan, Germany and
17 Italy must present a unified front to the world. In an
18 article entitled "Fascism vs. Popular Front," he argued
19 that the reason the democratic countries opposed the
20 totalitarian states was the fact that the latter coun-
21 tries were among the "have-nots" and, as such, were
22 compelled to adopt a trend toward expansionist policies
23 and destruction of the status quo that aroused the
24 fear and hatred of the "have" nations. He referred
25 approvingly to Japan, Germany, and Italy as being the

three greatest totalitarian countries of the world and
1 noted their union in the Anti-Comintern Pact. He warned
2 the "have" nations against attempting to check and
3 suppress the efforts of Japan, Germany and Italy to
4 expand their national spheres and he forecast that con-
5 tinued obstruction by the democracies "would only serve
6 to drive Germany, Japan and Italy beyond the bounds of
7 their original Anti-Comintern Pact and compel them to
8 collaborate in self-defense along more general lines."
9

10 F. SHIRATORI's Propaganda Designed to Prepare
11 Japanese People for Aggressive Alliance with the Axis.

12 UU-23. It was no mere accident of time that
13 SHIRATORI happened to import the Nazi propaganda line
14 and technique at the very time that OSHIMA and Ribben-
15 trop were exploring the possibilities of closer colla-
16 boration between Germany and Japan. Nor was it only
17 happy coincidence that his public appeals were precisely
18 patterned to fit the needs of the conspiracy. The
19 policy of the conspiracy as exemplified in the Manchu-
20 rian Incident and the China Affair was not without
21 opposition in Japan; respect for China's sovereignty
22 and for Japan's honor among nations was not without
23 adherents. SHIRATORI realized the futility of trying to
24 (UU-22. a. Ex. 3596-A, T. 35101-2.
25 UU-23. e. Summation F-111.)

1 maintain any longer the pretext of self-defense and
2 recognized that growing doubts as to the honesty of
3 Japan's "true intentions" in China were not being quieted
4 with such opiates as the promise of "local settlement."
5 In order to marshal support for the conspiracy it became
6 necessary to inflame the Japanese people with imagined
7 injustices at the hands of nations that had obstructed
8 the progress of the conspiracy. This, we submit, was
9 the conspiratorial role to which SHIRATORI chose to
10 devote his talents at this juncture.

11 UU-24. We lay special emphasis on his timely
12 threat in March 1938 that Germany, Italy and Japan would
13 be obliged to extend the scope of their existing alliance
14 (the Anti-Comintern Pact) so as to facilitate concerted
15 action against the powers that opposed them. This can
16 mean only that SHIRATORI was contributing to the con-
17 spiracy and to the negotiations in progress between
18 OSHIMA and Ribbentrop by preparing the people for a
19 general alliance aimed at nations and contingencies
20 other than Russia and Japan's alleged fear of Communism.
21 It is shown in the summation that Japan's actions in
22 China under the Anti-Comintern Pact indicate that as
23 far as Japan or the conspirators were concerned, they
24 were not too greatly frightened by either Communism
25 a.
or the Comintern.

(UU-24. a. Summation F-108.)

UU-25. SHIRATORI's rise to the fore as an
1 apologist for totalitarian principles and as a prota-
2 gonist of aggressive union with Germany and Italy was
3 not without at least attempted reward. It cannot
4 reasonably be supposed that War Minister ITAGAKI was
5 unaware of SHIRATORI's contributions to their common
6 cause when he recommended to Foreign Minister UGAKI in
7 June 1938 that SHIRATORI be appointed Vice-Foreign
8 Minister. ^{a.} The same recognition of service rendered
9 to the conspiracy is implicit in the similar recommen-
10 dation to UGAKI by SHIRATORI's fellow propagandist,
11 ^{b.} OKAWA, Shumei.

13 V. SHIRATORI as Ambassador to Italy.

14 A. Background Sketch of Related Activities
15 of the Conspiracy.

16 UU-26. This phase of SHIRATORI's career
17 must be viewed against the background of Japanese rela-
18 tions with the Axis in preparation for aggressive war.
19 Such relations and their significance are set forth
20 in the General Summation, Part III of the Conspiracy,
21 (hereinafter referred to as Summation) and will not be
22 repeated here except by reference when necessary to
23 give full meaning to specific actions of SHIRATORI.

25 (UU-25. a. Ex. 3791-A, T. 37743.
b. Ex. 3794-A, T. 37760.)

UU-27. It suffices for present purposes to
1 note that the summation deals fully with the adoption
2 of the conspiracy as the national policy of Japan
3 through the decision of the Five Ministers' Conference
4 of 7 August 1936; with recognition of the need for
5 an alliance with the Axis in order for Japan to pursue
6 her program of expansion; with the choice of Germany
7 as an ally to gain European support before moving south
8 according to the plan of 7 August 1936; with the
9 efforts of OSHIMA, beginning in 1934, to negotiate an
10 alliance with Germany and their culmination in the
11 Anti-Comintern Pact and the accompanying Secret Agree-
12 ment which converted the pact into a military alliance
13 directed specifically against the Soviet Union; with
14 the distortion of that pact by the conspirators to
15 excuse continued military aggression in China; and with
16 the ensuing new German-Japanese policy of increasingly
17 closer economic, cultural and political collaboration.
18

B: SHIRATORI Supports Trade Preference for
Germany.

UU-28. The OSHIMA summation deals in some
detail with the controversy between the Japanese Army

(UU-27. a. Summation, F-22-23.
b. Summation, F-99.
c. Summation, F-100-102.
d. Summation, F-103-106.
e. Summation, F-108-109.
f. Summation, F-110-115.)

and the government regarding the extension to Germany
1 of preferential trade treatment in North China, and
2 with the fact that OSHIMA endeavored to alter his
3 government's opposition to the army's support of German
4 demands. a. It is revealing that SHIRATORI joined with
5 OSHIMA and the army in favoring the proposed division
6 of spoils with their Nazi partner. In a memorandum to
7 his government on this subject, Viehl, Director of
8 the Commerce Trade Bureau of the German Reich, noted
9 that SHIRATORI had given his support to the proposal
10 b.
11 in an interview on 26 October 1938. Again in his
12 report, Viehl observed that while opposition was prin-
13 cipally among domestic economic circles "the army was
14 for it, also a part of the Foreign Service, SHIRATORI,
15 c. for example..." This is only one more of the many
16 instances that will be shown where SHIRATORI attempted
17 to project himself into policy-making levels above his
18 official position in order to bolster conspiratorial
19 moves. It is obvious that as the newly-appointed
20 Ambassador to Italy, SHIRATORI had absolutely no offi-
21 cial connection, as distinguished from conspiratorial
22 interest, with the policy question of preferential
23 trade treatment for Germany.

24
25 (UU-28. a. OSHIMA Summation QQ-13.
b. Ex. 3811, T. 37900.
c. Ex. 3811, T. 37091.)

UU-29. Also bearing on the role in the con-

1spiracy that SHIRATORI was to play as Ambassador to
2Italy is the course of further negotiations to bring
3Germany, poised for its aggressive thrusts over Europe,
4and Japan, already involved in a major war of aggression
5in China, together in a military alliance for the
6furtherance of their common aggressive aims. Both
7the General Summation and the OSHIMA Summation recount
8in appropriate detail how OSHIMA and Ribbentrop in
9January 1938 began discussions to strengthen the Anti- .
10Comintern Pact; how the Japanese General Staff approved
11Ribbentrop's idea that a treaty be negotiated; how from
12the inception of the negotiations the Japanese General
13Staff advocated and proposed through OSHIMA a general
14alliance aimed at all countries, as distinguished from
15one applying only to the Soviet Union; how the matter
16was taken up at a Five Ministers' Conference by the end
17of August 1938; and how OSHIMA failed to inform Ribben-
18trop of the full import of the instructions he received
19as a result of the Five Ministers' Conference decision.
20That OSHIMA, in line with the advice from the General
21Staff, agreed with Ribbentrop in favoring an alliance
22with Germany aimed at nations other than Russia is set
23forth in the OSHIMA Summation.
24b.
25

(UU-29. a. General Summation, F-119. OSHIMA Summation,

QQ-12-13.

b. OSHIMA Summation QQ-22-25.)

UU-30. Almost within the same week that the
1 Five Ministers' Conference considered the Ribbentrop
2 draft of the proposed alliance in late August 1938,
3 as previously mentioned, Foreign Minister UGAKI offered
4 a.
SHIRATORI the post of Ambassador to Italy. However,
5 because he was not formally appointed until 22 Septem-
6 ber 1938, and did not arrive in Rome until 29 December
7 b.
1938, SHIRATORI was not fully active in the negotiations
immediately upon his acceptance of the offer of appoint-
9 ment. Hence, continued reference is made to the acti-
10 vities of OSHIMA in these dealings in order to arrive
11 at the status quo at the time SHIRATORI officially
12 took up his duties in Rome.

UU-31. In becoming Ambassador to Germany in
15 October 1938, OSHIMA enjoyed, as did SHIRATORI, the
16 full support of War Minister ITAGAKI. Reference is
17 a.
made to the summation for the next sequence of events:
18 Germany's approach to Italy to join the alliance;
19 OSHIMA's transmittal to the Japanese Foreign Office
20 of the German draft of the treaty written by himself,
21 Ribbentrop, and Ciano; Foreign Minister ARITA's advice
22 that Japan would present a counter-proposal; and
23 OSHIMA's trip to Italy in mid-December to persuade
24

25 (UU-30. a. Ex. 3595, T. 35032.

b. Ex. 3595, T. 35034.

UU-31. a. OSHIMA Summation, QQ-27-28.)

b.

Mussolini to enter the pact. The fact that the terms
1 of alliance discussed by OSHIMA in Rome did not restrict
2 the pact to Russia alone and included provisions not
3 acceptable to the Japanese Government is covered in
4 c.
the OSHIMA Summation.

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)UU-31. b. Summation, F-121.
25 c. OSHIMA Summation, QQ-32-34.)

pose of detachment is wholly apparent in the light
1 of close Italo-Japanese relations springing from
2 their joint union in the Anti-Comintern Pact, from
3 Italy's following the example of Germany and Japan
4 in withdrawing from the League of Nations and from
5 Italian good-will and economic missions to Japan;
6 and, above all, in view of SHIRATORI's own writings
7 to persuade the people that Italy, Germany and Japan
8 shared a common totalitarian ideology and that as
9 "have not" nations they shared common expansionist
10 aims at the expense of the Democracies.
11 a.
12 b.
13 c.

UU-33. SHIRATORI specifically denied the
12 truth of German Ambassador Ott's statement that he,
13 SHIRATORI, "had taken up the post of ambassador
14 purely in expectation that he would succeed in con-
15 cluding an Italian-Japanese-German military alliance."
16 b.
17 Later, on cross-examination, he again denied that he
18 went to Rome with any concrete intention of promoting
19 a treaty that would serve as the basis for the joint
20 action among Japan, Germany, and Italy. In a third
21 denial he stated definitely that he did not go to
22 Rome for the purpose of getting a military alliance.
23 c.
24 d.

UU-32. b. T. 35089-90.
c. Ex. 3596-A, T. 35101-2; Ex. 3596-B, T. 35104-5.
UU-33. a. Ex. 3595, T. 35034; b. Ex. 498, T. 6082.
c. T. 35108; d. T. 35109.

UU-34. In support of his claimed vague
1 awareness of the situation, SHIRATORI stated that.
2 Foreign Minister UGAKI did not even mention the pro-
3 posed treaty to him, nor did ARITA, Foreign Minister
4 at the time of his departure give him any instructions
5 when he left Tokyo. Witness UGAKI supported SHIRA-
6 TORI's position in this matter by stating that he had
7 not thought of SHIRATORI in connection with the pact
8 and that he had not discussed it with him. However,
9 it was brought out on cross-examination that Premier
10 KONOYE, who recommended SHIRATORI and who told him
11 about the alliance negotiations in the first place,
12 took over the Foreign Ministry portfolio from UGAKI
13 seven days after SHIRATORI's appointment as Ambassador.
14 Accordingly, we submit that UGAKI's connection with
15 SHIRATORI's selection was unimportant and remote except
16 for the formality of appointment. In view of SHIRA-
17 TORI's relationship with Prince KONOYE on this matter,
18 no significance can attach to the fact that Foreign
19 Minister ARITA did not amplify the information
20 SHIRATORI had received from the Prime Minister himself.

21 D. SHIRATORI Accepts Ambassadorship in
22 Order to Work for Alliance with Axis.

23 UU-35. Against these protestations that it
24 UU-34. a. Ex. 3595, T.35033; b. Ex. 3580, T. 34909-10.
25 c. T. 34916.

1 was only by accident, as it were, that SHIRATORI ever
2 became involved in the abortive tripartite negotiations,
3 we have the other side of SHIRATORI's confused picture
4 of the situation. He testified that he decided to
5 accept the Ambassadorship after he had learned from
6 Prince KONOYE about the proposed treaty and had con-
7 cluded that the possible alignment of Japan with the
8 Axis Powers would cause England and America to modify
9 the attitude they had developed toward Japan since the
10 Manchurian Incident.^{a.} He reiterated this on cross-
11 examination when he agreed that he went to Italy
12 because he learned of the possibility of negotiating
13 an alliance with Italy and Germany, which he thought
14 would contribute to settlement of the China Incident.^{b.}
15 We submit that this version of the affair is in com-
16 plete agreement with our contention that SHIRATORI
17 went to Italy for the prime purpose of doing what he
18 could to form a military alliance that would in effect
19 be a loaded gun pointed at the heads of England and
20 America to hold them at bay while Japan settled the
21 China Incident. It is to be noted that the term
22 "settle the China Incident" is not so innocuous as
23 the words themselves might suggest. It is clear from
24 UU-35. a. Ex. 3595, T. 35033.
25 b. T. 35090-1.

1 all the evidence that in reality the phrase meant
2 to complete the ravishment of Chinese sovereignty
3 that had begun with the Manchurian Incident and had
4 progressed to what was then the "China Affair."

5 UU-36. If it is not to belabor unduly a
6 point of defense that was confused in the first
7 instance, attention is invited to the contradiction
8 in SHIRATORI's own later statement that when "the
9 nonaggression pact between Germany and Soviet Russia
10 was concluded, I saw no sense in staying any longer
11 ^{a.} in Europe." Again, on cross-examination he admitted
12 that he immediately requested his recall to Tokyo as
13 soon as he saw that the possibility of a treaty was
14 defeated for the time being by the Russo-German Pact.
15 In short, the bald facts established by his own state-
16 ments are that SHIRATORI went to Italy to assist in
17 forming an alliance with the Axis and then returned to
18 Japan the moment he saw he could not accomplish what
19 he had set out to do.
20

21 UU-37. SHIRATORI's assumed naivete about
22 collaboration with the Axis is again ridiculed by
23 Ott's telegram to his government 24 November 1938
24 (before SHIRATORI left Tokyo) describing SHIRATORI

25 UU-36. a. Ex. 3595, T. 35044.
b. T. 35092.

as being especially active in favor of the Anti-
1 Comintern policy and telling how he, Ott, was work-
2 ing through SHIRATORI to influence Premier KONOYE to
3 issue a strong expression of esteem for German policy.
4

The nature of the German policy that SHIRATORI was
5 willing to have his government embrace is too well
6 known to require citation or example. In the same
7 cable, Ambassador Ott noted the probability that
8 KONOYE's congratulatory telegram to Hitler resulted
9 from this influence. SHIRATORI denied the truth of
10 b.
11 Ott's report.

12 E. SHIRATORI Enters Upon His Duties in Italy.

13 UU-38. It was at this point that SHIRATORI
14 arrived in Rome and entered actively in full partner-
15 ship in this phase of the conspiracy. The fact that
16 SHIRATORI worked in extremely close concert with
17 OSHIMA in the conduct of negotiations will appear in
18 the following pages. Even after Mussolini's decision
19 to enter the alliance, the negotiations continued in
20 the main to be carried on primarily with Germany,
21 the policy-deciding partner in the Axis. Witness
22 NAGAI, Mikizo, testified that "the Italian Government
23 practically left to Berlin the matter of the Tripartite
24

25 UU-37. a. Ex. 3826, T. 37983-4.
b. T. 35096.

Treaty;" that "there was not much in the way of exchange of views or negotiations between the Ambassador and either Mussolini or Ciano"; and that "the part Ambassador SHIRATORI played was confined mainly to making suggestions or advancing views to the Foreign Ministry in Tokyo." Thus, SHIRATORI's own defense establishes the significant fact that if he had been content to function strictly within the limits of his office, he might have had at this particular time no more than passing contact with the negotiations. This only serves to highlight our contention that the aims of the conspiracy and not the requirements of his position caused SHIRATORI to extend his activities beyond the Italian scene, by aiding and abetting at every possible turn the efforts of OSHIMA and the army in Berlin and Tokyo to commit the Japanese Government to an all-out military alliance.

UU-39. Early in January 1939 shortly after SHIRATORI arrived in Rome, Mussolini advised Ribbentrop that Italy would join the proposed alliance. The defense has been at great pains to present evidence to the effect that Mussolini's decision to enter the pact had been made independently of influence on the

UU-38. a. Ex. 3587, T. 34944.
UU-39. a. Ex. 497, T. 6061.

part of SHIRATORI. In our submission, such evidence
1 is valueless in so far as the conspiracy charges are
2 concerned, since it is no part of the prosecution's
3 case to prove that SHIRATORI persuaded Mussolini to
4 become a co-conspirator in the attempted alliance.
5 It is our position that SHIRATORI's guilt arises out
6 of the conspiratorial character of negotiations of
7 any kind with Italy and Germany for an alliance
8 designed to promote aggression and out of SHIRATORI's
9 activities in concert with OSHIMA, Mussolini, Ribben-
10 trup and the army group in Tokyo under ITAGAKI to
11 conclude an all-out military alliance without the
12 reservations desired by the Japanese government.

13
14 F. SHIRATORI Envisions Alliance Aimed at
15 All Nations.

16 UU-40. That SHIRATORI was not so inade-
17 quately informed as to the scope and purpose of the
18 proposed treaty as he would have the Tribunal believe
19 is revealed in his expressions to Count Ciano,
20 Italian Foreign Minister. In the 7 January 1939
21 entry in his diary, Ciano recorded that the Japanese
22 Ambassador was greatly in favor of the alliance which
23 he regarded as a weapon to force Great Britain to
24 concede "the many things she owes to all of us."
25 UU-40. a. Ex. 3595, T. 35034; b. Ex. 499-A, T. 6092.

The defense has emphasized that this meeting took
1 place before SHIRATORI was officially accredited as
2 Ambassador 10 January 1939. The purpose of this
3 evidence, we assume, is to support a claim that no
4 responsibility can devolve upon SHIRATORI by reason
5 of private and unofficial conversation before his
6 formal installation as Ambassador. The immateriality
7 of this kind of defense evidence has been discussed
8 above. (UU-18 supra).

10 UU-41. There can be no more conclusive
11 showing of the fact that from the very outset SHIRA-
12 TORI envisioned and was prepared to work for a pact
13 aimed at nations other than Russia, despite the fact
14 that his government was attempting to limit the
15 alliance to the Soviet Union. It is incredible that
16 SHIRATORI would have been dispatched to Italy to
17 participate in negotiations for an alliance without
18 some knowledge as to what nations were to be the
19 objects of such an alliance.

20 UU-42. SHIRATORI denies the truth of Ciano's
21 report and because the statement attributed to SHIRA-
22 TORI was characteristic of Mussolini's frequent charges
23 against England, SHIRATORI invites the Tribunal to
24 believe that Ciano had actually quoted Mussolini and
25

UU-40. c. Ex. 3582, T. 34919-21.

not himself. If consistency with past expressions
1 is to be the criterion of authenticity, it may be
2 pointed out in reply that the statement in question
3 is no less characteristic of SHIRATORI's own tirades
4 against the "have" nations, as already shown in
5 b.
6 exhibit 3596-4.

UU-43. If SHIRATORI lacked detailed information
7 on the progress of the negotiations up to the time
8 of his arrival, he was not long in ignorance because
9 OSHIMA came from Berlin to meet with SHIRATORI at
10 San Remo, Italy, in mid-January 1939, to discuss the
11 whole situation. Thus, it is only logical to assume
12 that practically from the beginning SHIRATORI was
13 entirely familiar with the concept of the alliance
14 held by OSHIMA and the German collaborators as dis-
15 tinguished from the government's attitude in Tokyo.
16

UU-44. Meanwhile, the promised Japanese
18 counter-proposal mentioned previously had not yet come
19 from Tokyo. In answer to his inquiry at the end of
20 December 1938, OSHIMA was advised that because of
21 unexpected difficulties with Germany over naming
22 nations other than Russia as secondary objects of the
23 pact, a mission headed by ITO was being sent from
24 UU-42. a. Ex. 3595, T. 35036-7. b. T. 35101-2.
25 UU-43. a. Ex. 497, T. 6072.

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1 Tokyo to convey and to explain the policy and in-
2 structions decided upon by Japan. Ott's information
3 from Tokyo was that ITO was being sent because of
4 SHIRATORI's and OSHIMA's opposition to the expressed
5 b. desires of their government.

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UU-44. a. Summation, F-115.
b. Ex. 500, T. 6094.

W
1 G. SHIRATORI Advises Ciano Not to Accept
O
2 Japanese Counter-Proposal.
L
3 UU-45. SHIRATORI and OSHIMA evidently con-
4 cluded that the delay in Tokyo over the matter of naming
5 the objects of the pact spelled danger for the conspir-
6 ators' plan to have an unrestricted alliance. Only such
7 a conclusion would have prompted SHIRATORI to express to
8 Ciano his skepticism about the possibility of an early
9 conclusion of the alliance or so flagrantly to exceed
10 his authority as to state his belief that the Japanese
11 counter proposal would be a compromise proposal which
12 he advised Ciano not to accept. SHIRATORI does not deny
13 such a conversation but only accuses Ciano of "an unkind
14 interpretation" of his words which he remembers as being
15 to the effect that he was "afraid our counter-proposal
16 would be unacceptable to him, but that he did not have
17 a.
18 to take it as the final word." We submit that his
19 attempted answer is simply a matter of noting a distinc-
20 tion without making a difference and that it in no wise
21 affects the character of the evidence.

22 UU-46. The ITO Mission arrived in Berlin late
23 a.
24 in February, 1939, but it had stopped enroute in Italy
25 for three or four days to talk with SHIRATORI who then
followed the Mission to Berlin for joint discussions

(UU-45. a. Ex. 3595, T. 35038.)
UU-46. a. Ex. 3494, T. 33736.)

b.
1 with OSHIMA. The proposal brought by ITO provided,
2 inter-alia, for secret understanding that Japan would
3 not render any military assistance in case Germany and
4 Italy were attacked by countries other than the Soviet
c.
5 Union unless those countries had turned communistic.

6 H. SHIRATORI and OSHIMA Refuse to Accept ITO
7 Proposals.

8 UU-47. It will be seen that this proposal was
9 at variance with OSHIMA's and SHIRATORI's commitments to
10 Germany and Italy that Japan approved the draft treaty
11 having Russia as the primary object and other powers as
12 secondary objects. Consequently, as witness USAMI
13 testified, SHIRATORI and OSHIMA after deliberate con-
14 sultations dispatched a telegram to Tokyo asking for re-
15 consideration. That they did more than simply ask for
16 reconsideration is seen from Ciano's diary entry of 8
17 March 1939 where he reports his meeting with the Japanese
18 Ambassador /SHIRATORI/. He reported the Japanese nation
19 as regarding the pact as exclusively anti-Russian and
20 stated that OSHIMA and SHIRATORI had refused to communi-
21 cate the counter-proposal through official channels. He
22 said the ambassadors had asked Tokyo to accept the pact
23 of alliance without reservation and that otherwise they
24 (UU-46.

b. Ex. 497, T. 6073.

c. Summation, F-122.

UU-47. a. Ex. 3494, T. 33738-9.)

1 would resign and bring about a fall of the cabinet.

2 UU-48. SHIRATORI denies any recollection of
3 threatening to resign and attempts to answer the Ciano
4 statement by way of reductio ad absurdum. How, he asks,
5 in effect, could the resignation of an ambassador who
6 had no political backing at home have affected the life
7 of a cabinet or have altered the foreign policy of his
8 Government? The falsity of his denial of a threat to
9 resign and the accuracy of Ciano's statement on the
10 matter is demonstrated by ARITA's report that the Five
11 Ministers' Conference of 25 April 1939 considered an
12 urgent request which had come from OSHIMA and SHIRATORI
13 a.
14 for their recall. With respect to his modest claim of
15 having no political backing it may be said that SHIRA-
16 TORI conveniently forgets the strong support he drew
17 from War Minister ITAGAKI and the military machine as
18 well as the fact that he was chosen for his post in order
19 to qualify for the cabinet position of Foreign Minister
20 at a later date. As for the effect that the ambassadors'
21 resignation might have had upon the cabinet, we point
22 to Marquis KIDO's fear that their recall might even in-
23 b.
24 fluence peace and order within the nation. As for the
25 effect of the ambassadors' threatened action on the

(UU-47. b. Ex. 501, T. 6096.

 UU-48. a. Ex. 3800-A, T. 37808.

 b. Ex. 3800-A, T. 37808.)

government's foreign policy, the fact remains, as will
1 be shown later, that the Government did modify its
2 position as a result of the obstructionist actions of
3 SHIRATORI and OSHIMA.

4 UU-49. These events are further corroborated
5 by Ribbentrop's telegram to Ott, 26 April 1939, in which
6 he stated that OSHIMA and SHIRATORI had received instruc-
7 tions as to their government's wish to limit obligations
8 of assistance only to the case of a war with Russia;
9 that both ambassadors had informed him and Ciano only
10 confidentially and personally of such instructions; that
11 they had immediately refused of their own accord to pre-
12 sent such a fundamental change of the German-Italo
13 draft in Berlin and Rome; and that they declared they
14 would have to resign from their posts in the event of a
15 different decision of the Japanese Government. This
16 corroboration of all details of Ciano's statement by
17 Ribbentrop's independent report is further important in
18 relation to SHIRATORI's several attacks on the accuracy
19 a.
20 of Ciano's diary entries.

UU-50. The completely unorthodox action of
SHIRATORI and OSHIMA in flatly refusing to follow their
instructions prompted Foreign Minister ARITA to reaffirm
the government's position by saying that "no matter what
(UU-49. a. Ex. 3595, T. 35035-8.)

1 they (ambassadors to Rome and Berlin) might say, the
2 (Japanese) Government cannot cancel its decision. All
3 we have to do is to change the ambassadors if they are
4 going to rush to conclusions and say that the decision
5 (of the Japanese Government) will not do." ARITA
6 stated further that instructions had been wired to both
7 ambassadors to do as recommended by the Japanese Govern-
8 a.
9 ment.

9 I. SHIRATORI and OSHIMA Succeed in Forcing
10 Government to Modify Position.

11 UU-51. SHIRATORI and OSHIMA were partially
12 successful in their opposition to the proposals delivered
13 by the ITO Commission. Around the end of March or the
14 beginning of April, 1939, Japan reconsidered her position
15 and sent to the ambassadors new instructions containing
16 some modifications. The new draft of the treaty agreed
17 generally with the German-Italian draft but provided for
18 an explanation intended to reassure England, France, and
19 a.
20 America. In his telegram to Ott of 26 April 1939,
21 Ribbentrop stated that SHIRATORI and OSHIMA had again
22 told Tokyo that this wish of the Japanese Government was
23 also impossible and that they had again informed Ciano
24 and himself only confidentially and not officially. It
25 is worthy of note that the telegram relates that the week
 (UU-50. a. Ex. 3797-A, T. 37773.
 UU-51. a. Summation, F-125.)

1 previous to this SHIRATORI and OSHIMA met with Ribben-
2 trop in Berlin on the occasion of Hitler's birthday on
3 b.
4 20 April 1939. The defense has attempted to meet this
5 evidence of SHIRATORI's refusal to communicate officially
6 his government's proposal by reference to an entry in
7 the Ciano diary of 2 April 1939 in which Ciano notes re-
8 ceiving from SHIRATORI the Japanese answer on the Tri-
9 Partite Alliance. However, this does not contradict
10 prosecution evidence that the proposal was not trans-
11 mitted officially. It is not contended that Ciano was
12 never apprised of the modification of the ITO proposal.

13 J. SHIRATORI and OSHIMA, Misrepresent Govern-
14 ment's View to Germany and Italy.

15 UU-52. According to Foreign Minister ARITA's
16 advice to the Emperor on 8 April, SHIRATORI and OSHIMA
17 had not only opposed their government negatively by re-
18 fusing to follow instructions but also affirmatively by
19 informing the German and Italian Governments that it was
20 the Japanese intention to fight in the event that Germany
21 and Italy should wage war with England and France. ARITA
22 protested that the ambassadors had acted without regard
23 to the wishes of the central authorities and that their
24 words and actions over-stepped their authority. This
25 (UU-51. b. Ex. 502, T. 6101.
c. Ex. 3583, T. 34947.
UU-52. a. Ex. 3798-A, T. 37779.)

is corroborated by OSHIMA's admission that he advised
1 Ribbentrop that under the revision of the original ITO
2 proposal Japan accepted in principle the duty of war
3 participation in case of an attack on Germany and Italy
4 b.
by countries other than Soviet Russia.

5 UU-53. At this juncture, it is important to
6 note the singleness of mind and purpose enjoyed by
7 SHIRATORI and OSHIMA with respect to the kind of alliance
8 they wanted to bring about. Witness KAWABE, Toroshiro,
9 who was present at the meeting between SHIRATORI and
10 OSHIMA in Italy in the early spring of 1939, testified
11 that the two ambassadors were generally agreed on funda-
12 mental ideas although there may have been differences
13 a.
14 of opinion regarding diplomatic technique or procedure.
15 On cross-examination, OSHIMA fixed the time of this
16 meeting as about 2 April and admitted that they had with
17 them the instructions of January 23, which was the ITO
18 directive, and the later directive of 25 March, which
19 was the Japanese compromise proposal. At the same time
20 he testified that his advice to Ribbentrop regarding
21 Japanese war participation, above-noted, was given a few
22 days after his meeting with SHIRATORI. Presumably this
23 advice was in accordance with the modus operandi he and
24 SHIRATORI had agreed upon.
25

(UU-52. b. T. 34136.
UU-53. a. Ex. 3496, T. 33778.)

1 K. SHIRATORI and OSHIMA Push Japan Nearer
2 to All-out Military Alliance

3 UU-54. The summation describes the effect
4 that the recalcitrance of SHIRATORI and OSHIMA had on
5 the situation in Tokyo where there had always existed
6 some differences of opinion as to the conduct and
7 scope of the negotiations. Their obstructionist
8 tactics kept the door open, so to speak, for continued
9 pressure by War Minister ITAGAKI and others among the
10 conspirators who favored outright military alliances.
11 Continued conferences resulted in the compromise
12 embodied in the so-called HIRANUMA Declaration of
13 4 May 1939. In brief, that declaration provided that
14 Japan would support Italy and Germany even in the case
15 of an attack by a nation other than the Soviet Union
16 and that such support would be political and economic
17 and, to the extent possible, military. While Japan
18 was not in a position at that time to offer practical
19 and effective military aid, such support would be
20 given when circumstances permitted. It is entirely
21 fair to say that this further concession reflected
22 in the HIRANUMA Declaration resulted fundamentally
23 from the delays forced by the opposition of SHIRATORI
24 and OSHIMA. The net effect of their actions had

UU-54. a. Summation F-126

1 actually been to keep Japan from dealing officially
2 with Italy and Germany and thus, as we have said, the
3 door was never completely closed on the kind of an
4 alliance that SHIRATORI and OSHIMA visioned as best
5 promoting the aims of the conspirators.

6 UU-55. In the face of SHIRATORI's denial
7 that he ever violated any instructions of his govern-
8 a. ment. there is cause for wonder why the Five Ministers'
9 Conference decided to send the HIRANUMA Declaration
10 to Hitler and Mussolini through the Italian and
11 German Ambassadors in Tokyo rather than through SHIRATORI
12 b. and OSHIMA. In the light of the ambassadors' past
13 conduct it seems quite apparent that this departure
14 from the former procedure was adopted to insure that
15 the Italian and German Governments would receive the
16 proposal officially even though it might not meet
17 the personal approval of SHIRATORI and OSHIMA.
18

19 L. Again SHIRATORI and OSHIMA Refuse to
20 Transmit Instructions of Their Government and Force
21 Further Concessions

22 UU-56. Ott's telegram of 27 May 1939 to his
23 government indicates that the Army group in Tokyo
24 continued to press for automatic entry into a state of

25 UU-55. a.Ex. 3595, T. 35,040
" b.Ex. 3800-A, T. 37,809

war against England and France. The decision of
1 the Five Ministers' Conference of 20 May 1939, which
2 made entry into war against England and France dependent
3 upon the circumstances at the time and which the Army
4 opposed, was telegraphed to the ambassadors in Rome
5 and Berlin, but again SHIRATORI, in concert with
6 OSHIMA, refused to transmit the decision as instructed.^{a.}
7 That this high-handed conduct on the part of SHIRATORI
8 and OSHIMA combined with Army insistence to produce
9 results favorable to the conspiracy is evident from
10 the fact of the Cabinet decision on 5 June 1939 agreeing
11 to participate in a German war against England and
12 France with the reservation that Japan should have
13 b.
14 the right to choose a favorable time.

15 UU-57. Despite the fact that the conspirators
16 in Tokyo and SHIRATORI and OSHIMA in Rome and Berlin
17 had succeeded over a period of months in forcing the
18 government to abandon first one stand and then another,
19 the government's capitulation to the conspirators was
20 too long delayed. The circumstances surrounding the
21 conclusion of the Non-Aggression Pact between Germany
22 and the Soviet Union on 23 August 1939, its fatal effect
23 upon this phase of the Tripartite negotiations, and
24

25 UU-56. a. Ex. 3746, T. 37,409; Ex. 3803-A, T. 37,828
" b. Ex. 614, T. 6793

1 OSHIMA's refusal to file a timely protest to the
2 German action in concluding the pact is outlined
3 a.
in the summation.

4 UU-58. The summation further traces the
5 course of developments following the Russo-German
6 Pact and shows that the termination of the tripartite
7 negotiations was to be only a temporary defeat of the
8 conspirators' plan to join the Axis in a drive for
9 a. world domination. The negotiations during this
10 stage resulted in one conclusion of transcendent
11 importance--namely, the conviction that Axis assistance
12 was necessary for the successful settlement of the
13 China Incident, which in turn would pave the way for
14 the ultimate accomplishment of the conspiracy's
15 cherished New Order in East Asia. The fact emerged
16 from these negotiations that Germany was interested only
17 in a strong military alliance aimed at all nations,
18 since only such a pact would further her own program
19 of aggression. It is pointed out in the summation
20 that the validity of our charge of conspiracy is not
21 affected by the fact that some of the conspirators
22 judged that the time was not ripe to yield to German
23 b. demands in this respect. That these negotiations
24 substantially advanced the conspiracy in the sense that

UU-57. a. Summation F-128-9
UU-58. a. Summation F-129-32
" b. Summation F-123

they settled many preliminary matters, even though
1 failing final realization, is seen from the remarkable
2 speed with which the ultimate alliance was concluded,
3 as will be shown subsequently. Through these dealings,
4 Japan, Germany and Italy found themselves in broad
5 agreement as to the general nature of assistance each
6 could render to the others in their respective programs
7 of expansion by force or threat of force.

8
9 THE PRESIDENT: We will recess for fifteen
10 minutes.

11 (Whereupon, at 1045, a recess was
12 taken until 1105, after which the proceed-
13 ings were resumed as follows:)

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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Sandusky.

MR. SANDUSKY: M. SHIRATORI's Attempted
Defense of Conduct Rebutted by Evidence.

UU-59. SHIRATORI makes several submissions calculated to justify the so-called abortive negotiations and his participation in them.^a Because of the high importance of this matter, his contentions will be treated with some particularity.

UU-59a. First of all, he tells us, he did not want the pact for its own sake but only as a diplomatic maneuver to force England and America to withdraw support from China so that Japan could conclude the Incident. Even if it were true that he had no other motive in mind, we submit that his attempt to coerce Britain and America to abandon China in her resistance to Japanese aggression would not constitute a defense since his actions were still designed to further the over-all conspiracy.

The desire to conclude one phase of conspiratorial action cannot be accepted as justification for entering another phase of the conspiracy. The evidence, however, shows that he was not willing to regard the

UU-59.

a. Ex. 3595, T. 35040.

alliance as merely a diplomatic device, as will be
1 seen from his opposition to the announced intentions
2 of his government to settle the Tientsin Affair in
3 June-July 1939 on the basis of concessions offered
4 by Great Britain.^{a.} In his own words SHIRATORI told
5 how he remonstrated with his government on two occa-
6 sions when it appeared that Foreign Minister ARITA was
7 inclined to deal with Great Britain in terms of
8 peaceful negotiations. He declared his position as
9 follows: "In order to establish a new order in
10 China today we must drive out from China the old
11 order which is represented by Britain. Therefore, I
12 believe that Japan should conclude a treaty as soon
13 as possible with Germany and Italy in opposition to
14 Britain and France."^{b.} Thus, it is clearly demonstrated
15 that SHIRATORI was not satisfied with simply the
16 fruits of diplomatic intrigue and that he actually
17 wanted a pact against Britain and France for its own
18 sake. His contention that there was no opposition to
19 the Government's policy in attempting to limit the
20 proposed alliance to the Soviet Union looks more
21 than strange in the light of the evidence discussed
22 in this section of this summation regarding the
23 .
24 UU-59a.

25 a. T. 35112-5.

b. Ex. 2294, T. 16045, T. 35115.

successive acts of obstruction on the part of
1 SHIRATORI, OSHIMA, ITAGAKI, and the army group.
2 In discussing the nature of the pact, SHIRATORI
3 carefully limits himself to the text of the treaty
4 and dismisses as a "trivial matter" the months of
5 controversy that raged over the secret accessory
6 reservations regarding Britain and France. It is of
7 no consequence that the public text contained the
8 conventional provision for defense against unprovoked
9 attacks by nations not party to the pact since the
10 real purpose of the pact and the true intentions
11 of the parties are to be read from the accompanying
12 secret agreements proposed by each party. Though
13 SHIRATORI confines himself literally to saying that
14 the text was a "weak and harmless document," he
15 invites the inference that the treaty as a whole,
16 which would include the secret reservations, was
17 never anything more than "weak and harmless." To
18 dispel any illusions on that point it is sufficient
19 to refer to the final concession in the Cabinet
20 decision of 5 June 1939 that Japan would enter the
21 war against Britain and France provided she could
22 choose the time of entry.^c. In our view, his state-
23 ment that there was early agreement on the text of
24
25

UU-59a.

c. Ex. 614, T. 6793; UU-56, supra.

the treaty, as distinguished from the secret
1 reservations as to operation of the pact, is without
2 significance.

3 UU-59b. SHIRATORI's submission that the
4 reservations proposed by Japan in regard to England
5 and France were largely accepted by Germany tells
6 only a small part of the story. But no one, save
7 OSHIMA or ITAGAKI, knows the rest of the story better
8 than SHIRATORI. We refer to the successive moves
9 by which these co-conspirators forced their govern-
10 ment to recede one by one from the reservations Japan
11 had sought to include in the ITO proposal in Febru-
12 ary 1939^a. In the April modification of the ITO
13 proposal,^b in the HIRANUMA Declaration and counter-
14 proposal in May,^c and in the crowning but belated
15 concession in the 5 June Cabinet decision.^d Far
16 from being a defense of any kind, the fact that the
17 parties did come closer to agreement is eloquent
18 testimony of the effectiveness of the opposition of
19 SHIRATORI and his fellow-conspirators. In view of
20 the evidence on the subject,^e we scarcely need
21 dignify by answer SHIRATORI's bland assertion that
22
23

24 UU-59b.

25 a. UU-47, supra. e. UU-40, 45, 47, 49-52, 56,
b. UU-51, supra. supra.
c. UU-54, supra.
d. UU-56, supra.

in no instance did he ever act contrary to instructions. Though his sense of duty to the conspiracy may have distorted his sense of official decorum, the fact remains that his conduct called down upon him the wrath of his own Emperor, saying that "it was an infringement upon his supreme authority for the two ambassadors abroad /SHIRATORI and OSHIMA/ to express /Japan's/ intentions of participating in war, a matter with which they were not concerned. . ." f.

VI - CONCLUSION OF THE TRIPARTITE PACT.

A. SHIRATORI Hastens Back to Japan to Continue Working for Alliance.

UU-60. The ink was not more than dry after signing the Russo-German Pact, figuratively speaking, when SHIRATORI requested his recall to Tokyo because as he says, "I saw no sense in staying any longer in Europe." a. So determined was he to leave the ground that had become barren for the seeds he had come to sow that he insisted upon his recall four times before it was finally granted. b. This was no matter of idle pique on SHIRATORI's part. He stated his reasons to von Preussen, Councilor of the German Embassy in Rome, with a straightforwardness that was not exhibited

UU-59b.

f. Ex. 3798b, T. 37784. UU-60.
a. Ex. 3595, T. 35044.
b. Ex. 223, T. 16006.

before this Tribunal, when he told him that he belonged
1 to a circle of Japanese that had been trying for a
2 long time to induce their government to conclude an
3 alliance with Germany. Since he had been unable to
4 realize such an alliance, he was returning to Japan
5 because he believed he could be of more use in pro-
6 moting an alliance there than he could be in Rome.
7 In this conversation he was simply reaffirming what
8 he had previously told Mackensen, German Ambassador
9 in Rome. In reporting their conversation of 2
10 September 1939, Mackensen stated that SHIRATORI
11 expressed the opinion that the fall of the HIRANUMA
12 Cabinet gave promise for successful continuation of
13 the stalled negotiations for rapprochement with the
14 Axis Powers. SHIRATORI told him that it was for the
15 very purpose of being able personally to work more
16 effectively than was possible in Rome that he was
17 returning to Tokyo.
18 UU-61. In the same report, Mackensen said
19 that SHIRATORI would particularly welcome an opportu-
20 nity to have a detailed talk with the German Foreign
21 Minister on his homeward trip. Presumably, this was
22 to be his first major step in carrying on for the
23 UU-60.
24 c. Ex. 2232, T. 16004-5.
d. Ex. 2232, T. 16003.

1 conspiracy from the point where the government had
2 terminated the negotiations. The defense has sensed
3 the significance of this desire to talk over matters
4 with Ribbentrop, as is evident from SHIRATORI's
5 attempt to reverse the situation so as to place the
6 request as coming from Ribbentrop to him through
7 von Plessen.^a. Additional evidence has served to
8 disprove the SHIRATORI version of this incident. The
9 sequence of events now appears to be this: On 2 Sep-
10 tember 1939, SHIRATORI expressed a desire to Mackensen
11 to talk with Ribbentrop on his way home.^b. Mackensen
12 apparently advised Berlin of the desire because on
13 4 September 1939, Weiszacker, German Secretary of
14 State, wired Mackensen to "inform SHIRATORI that the
15 Reich Foreign Minister will gladly see him at the
16 ^{c.} given time in Berlin."^{c.} This has none of the appear-
17 ances of a request from Ribbentrop that SHIRATORI
18 return to Japan by way of Berlin in order that
19 Ribbentrop might see him. On the same day, 4 Septem-
20 ber, von Plessen reported that when he saw SHIRATORI
21 and mentioned to him his wish to speak to the German
22 Foreign Minister, SHIRATORI replied that his travel
23 ^{d.} plans were not yet definite.^{d.} Here again, there is
24 UU-61.

a. Ex. 3595, T. 35044-5. c. Ex. 3827, T. 37986.
b. Ex. 2232, T. 16003. d. Ex. 2232, T. 16008.

no indication of the request having come from
1 Ribbentrop. Finally, on 9 September, Mackensen
2 cabled Berlin that he had informed SHIRATORI, in
3 accordance with Weizsäcker's telegram of 4 September,
4 that Ribbentrop would see him, but that SHIRATORI had
5 in the meantime dropped the idea of returning via
6 Siberia. He expressed SHIRATORI's regret at not
7 being able to see Ribbentrop again and said that
8 SHIRATORI was planning to ask Ambassador OSHIMA, who
9 was to come to Rome in a few days, to transmit to the
10 Reich Foreign Minister what he, SHIRATORI, had wanted
11 to state to him personally.^{e.} Detailed attention has
12 been given to this particular incident not only for
13 the purpose of establishing SHIRATORI's determination
14 to continue a kind of private negotiation with the
15 German Government but also for the purpose of demon-
16 strating the convenient character of SHIRATORI's
17 recollections and of his attempted distortions of
18 contemporaneous reports on his activities.

21 B. SHIRATORI Attempts to Balk Japanese
22 Protest of Russo-German Pact.

23 U-62. In his effort to chart anew the course
24 of the conspiracy after it had run aground on the
25

UU-61

e. Ex. 3827A, T. 37986-7.

Scylla of the Russo-German Pact, SHIRATORI was quick
1 to see the necessity of avoiding the Charybdis of an
2 irremediable rupture with Germany because of the pact.
3 SHIRATORI himself related to von Plessen that when he
4 received word of instructions to OSHIMA to file a
5 protest to Germany's action in concluding the pact he
6 telephoned Berlin in order to prevent the protest
7 action if possible. He was not able to reach OSHIMA,
8 but when OSHIMA returned to the Embassy and found
9 news of SHIRATORI's telephone call he then reported
10 to Tokyo that he considered the protest inopportune.^{a.}

UU-63. SHIRATORI admits that he once more
12 attempted to counter his government's instructions but
13 explains that he felt sorry for OSHIMA and thought it
14 too cruel to make him "drink boiling water."^{a.} We
15 observe that his intention was commendable as a
16 gesture of friendship but that his explanation is
17 not persuasive as a piece of evidence. As for his
18 unsupported claim that he suggested to Foreign
19 Minister ARITA that he present the protest himself
20 to Ambassador Ott, there is this to be said: It was
21 obvious that a delay in filing the protest would rob
22 the protest of much of its sting. Even if ARITA were
23 UU-62.

a. Ex. 2232, T. 16006. UU-63. a. Ex. 3595, T. 35045.

willing to depart from the usual diplomatic procedure
1 in this instance it would have afforded some delay;
2 if he were not willing, which was more likely, there
3 would still be time lost in the forwarding of new
4 instructions.

5 UU-64. In his talk with von Plessen,
6 SHIRATORI in effect gave a blue print of the form
7 his future activities to revitalize negotiations with
8 the Axis would take. Always the opportunist, SHIRA-
9 TORI saw that changed circumstances had created the
10 need for amicable adjustment of Russo-Japanese
11 relations. He told von Plessen of instructions sent
12 to the Japanese Ambassador in Moscow to approach the
13 Russian Government about a settlement of pending
14 problems. SHIRATORI expressed the opinion that the
15 only way to secure a nonaggression pact with Russia
16 was to do so through German mediation. He had further
17 proposed to OSHIMA, on his own responsibility and
18 without instructions from Tokyo, that he, OSHIMA,
19 should request Germany's good offices in this matter.
20 In speaking of the European conflict that had just
21 broken out, SHIRATORI observed that England had sup-
22 planted Russia as the chief enemy to be beaten. He
23 reaffirmed that the basic policy of Japan was to
24 establish a New Order in East Asia and noted that this
25 involved the expulsion of England from China.

UU-65. In his cable of 9 September 1939,
1 Ribbentrop outlined to Ott his discussion with OSHIMA
2 regarding further development of German-Japanese rela-
3 tions. Ribbentrop pointed out that Japan's fate con-
4 tinued to be linked with Germany's fate, that victory
5 by the democracies would put an end to Japanese ex-
6 pansion and take away her position in China, that
7 settlement of Russo-Japanese difficulties would enable
8 Japan to extend her power in East Asia and to pene-
9 trate to the south. OSHIMA agreed with Ribbentrop's
10 statements and said that the Japanese Army was doubt-
11 lessly in favor of an understanding with Russia and
12 there was prospect of this move being made a part of
13 Japanese foreign policy. Ribbentrop then told Ott that
14 SHIRATORI would soon return to Tokyo and would also
15 work along the lines of German-Japanese cooperation
16 that he had indicated. SHIRATORI dismisses his assur-
17 ances to the Germans as being mere diplomatic niceties.
18 If that be so, then it is indeed strange coincidence
19 that SHIRATORI's activity upon his return to Japan be-
20 came in all ways a fulfillment of these earlier assur-
21 ances. SHIRATORI returned to Tokyo on 13 October 1939
22 and was officially released from his ambassadorship to
23 Italy and placed on the ambassadorial waiting list on
24
25

a.
9 January 1940.

C. SHIRATORI Tries to Recover Public

1 Support for Alliance with Axis.

2 UU-66. After his return to Japan, SHIRATORI
3 wasted no time in reinstating himself in his old role
4 as spokesman for the conspiracy. He admitted giving an
5 interview to the press immediately after his arrival
6 in Japan in which he spoke in favor of the old alliance
7 policy even though the government had ceased negotia-
8 a.
9 He then began a series of lectures and articles
10 of vituperative character designed to shape public
11 opinion in favor of the program of aggressive expan-
12 sion visualized by himself and his co-conspirators.
13 Since this program could be realized only by acting in
14 concert with Axis aggression against the democracies,
15 SHIRATORI's consistent theme was that the battle against
16 western powers was as much Japan's battle as it was
17 Germany's and Italy's. In an address in November 1939,
18 SHIRATORI spoke on the attitude Japan should take toward
19 the European war. He defended Germany for having
20 brought about the failure of the tripartite negotia-
21 tions and said Japan was in part responsible because
22 he had sought to settle the China Affair by coopera-
23 tion with Britain. He attempted to counter the resent-
24 UU-66. a. T. 35092.
25

ment that had risen against Germany by pointing out
1 that both Germany and Italy were still offering friend-
2 ship to Japan, and that Japan must respond to their
3 overtures. He thought that by careful maneuvering the
4 European war could be developed in favor of Japan. He
5 assured the people that there would be a German victory
6 and hence there would be no danger for Japan in fight-
7 b.
8 ing on the side of Germany.

9 UU-67. Again in December 1939, SHIRATORI
10 carried on his propaganda program with an article on
11 the necessity of a German-Italy-Japan Alliance. He
12 went back to the theme of "have" and "have not" nations
13 that he had borrowed from the Nazis in his propaganda
14 attack in March 1938, as seen in exhibit 3596-A. . He
15 admitted that Japanese foreign policy calling for an
16 adjustment of the status quo to improve the lot of the
17 "have not" nations was actually established when Japan
18 embarked on her continental policy with the Manchurian
19 Incident. He assailed those people who were hesitating
20 as to whether Japan should continue her program for
21 establishing a New Order in East Asia and also those
22 who wanted Japan to devote herself entirely to the
23 b.
24 China affair.

25 UU-68. b. Ex. 2234, T. 16036-43
 UU-67. a. T. 35101-2
 b. Ex. 2234, T. 16027

D. SHIRATORI Works for Downfall of
Cabinet and Continues Cooperation with German Embassy

UU-68. SHIRATORI's activities were not limited to his efforts to mold public opinion in line with the aims of the conspiracy but included political machinations to bring about the downfall of the ABE Cabinet because of its distrust of collaboration with the Axis. On 31 December 1939, Ambassador Ott reported to the German Foreign Ministry that Japanese affiliation with any of the European power groups was not to be expected for the time being under the present cabinet. He said that according to the views of Ambassadors OSHIMA and SHIRATORI "who are working hard for the overthrow of the present cabinet, two or three transitional cabinets would be needed to bring about such a change of course." Ott's telegram of 23 January 1940 reporting his endeavors to bring about the release of some German Nationals who had been arrested again shows SHIRATORI acting in his self-appointed role as unofficial counsel to the German Embassy. Ott mentioned that he was employing tactics corresponding to the urgent advice of Ambassadors OSHIMA and SHIRATORI. The relative unimportance of this incident serves to

UU-68. a. Rx. 3503-A, T. 33940

emphasize the closeness of SHIRATORI's cooperation
1 with the German Embassy.

2 UU-69. SHIRATORI was never long absent from
3 the propaganda front. In February 1940 he again took
4 the rostrum to discuss the Soviet-German coalition
5 and its relation to Japan. Once more he called for a
6 treaty with Germany and Italy in opposition to Britain
7 and France, and once more he defended the German ac-
8 tion in the pact with Russia and suggested that Ger-
9 many could mediate Russo-Japanese problems. Extolling
10 the glories of Germany and Italy and citing the mili-
11 tary power of the Axis, SHIRATORI warned the people
12 against any Japanese compromise with the old forces --
13 Britain and France. About this time, late February
14 1940, the Duke of Coburg came to Japan accompanied by
15 Heinrich Stahmer, Ribbentrop's Special Envoy. This
16 trip was ostensibly made for the purpose of bringing
17 German felicitations to Japan on the occasion of the
18 2600th Anniversary of her founding. A report on 23
19 February 1940 from Ott and Stahmer to the German
20 Secretary of State told that Stahmer had seen OSHIMA,
21 SHIRATORI, and others and had found them "in an un-
22 changed friendly attitude and ready for every support."
23 UU-69. a. Ex. 511, T. 6141

1 UU-70. On 12 June 1940 Ambassador Ott wired
2 his government that the Embassy was still trying to
3 stir up anti-American feeling among the Japanese people
4 by influencing the press and leading political personali-
5 ties. Ott said that he himself had expressed to politi-
6 cal leaders his opinion that the interests and activi-
7 ties of America in the Pacific made a conflict between
8 Japan and America unavoidable in the long run. He
9 added significantly that "in confidential cooperation
10 with the Embassy, Ambassadors OSHIMA and SHIRATORI
11 and circles closely connected with them had operated
12 a.
13 in the same direction. The defense has attempted to
14 impeach this telegram, as well as many other Ott tele-
15 grams, by an ex parte statement from Ott in question
16 b.
17 and answer form. Because of the wide scope of the
18 Ott interrogatory, it will be treated separately at a
19 c.
20 later point in this summation.

21 UU-71. In order to illustrate the joint
22 endeavors of the German Embassy and SHIRATORI to incite
23 the Japanese people Ott might well have pointed
24 to the contemporaneous publication (June 1940) of an
25 article by SHIRATORI discussing the trend of the war.
This time SHIRATORI approached the problem by express-

26 UU-70. a. Ex. 516, T1 6152-3
27 b. Ex. 3579, T. 34849-904
28 c. UU-88-92, Infra

1 ing the fear that unless Japan did something about
2 joining forces with Germany, there was danger that
3 Germany would dispose of the Asiatic colonies of the
4 Allies without regard to Japan. He then berated those
5 who were misguiding Japan by favoring Britain and
6 America instead of Germany and Italy. In arguing that
7 Germany owed consideration to Japan, SHIRATORI pointed
8 out that Japanese-American wrangling over the China Affair
9 had made America unable to participate in the European
10 conflict. The fact of SHIRATORI's continued drive
11 to bend public opinion to the desires of the conspiracy
12 is again illustrated by his advocacy of a non-aggres-
13 sion pact with Russia in an interview given to the news-
14 paper Yomiuri. b.

E. SHIRATORI Calls for Overthrow of
VONAI Cabinet.

18 UU-72. At the same time SHIRATORI was also
19 working to accelerate the passage from power of the
20 transitional cabinets he had previously seen as being
21 necessary before affiliation with the Axis could be
22 accomplished. On 18 June 1940 SHIRATORI gave a speech
23 at a round table conference of the League for the

25 UU-71. a. Ex. 2234, T. 16053-6
b. Ex. 523, T. 6177

the need for reorientation of Japan's foreign policy.

1 Clearly indicating that the reorientation he had in
2 mind was an alliance with Germany, he expressed fear
3 that Japan had already missed the opportunity. He
4 said that he could not entertain any hope for a change
5 of policy "as long as the persons who posed the propo-
6 sition of a Japan-Germany-Italy military alliance re-
7 main to hold the ministerial posts in the cabinet."
8

On cross-examination SHIRATORI denied that there was
any instance of his opposing the policy of the YONAI-
ARITA Cabinet and he elected to have no recollection
of this speech insinuating the need to overthrow the
YONAI Cabinet.

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UU-72.
25 a. Ex. 3820, T. 37994-5.
b. T. 35123.

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UU-73. The summation describes how the group in Japan friendly to Germany desired that a new government be formed under KONOY^a which would maintain or increase tension with the democracies, and explains how the fall of the YONAI Cabinet was brought about on 16 July 1940. The summation also sets forth that the succeeding KONOYE Cabinet adopted rapprochement with the Axis as its foreign policy and describes the initial steps taken to reopen alliance negotiations with Germany. In press interviews both SHIRATORI and OSHIMA had approved MATSUOKA's appointment and expressed themselves as expecting a new foreign policy to result.

UU-74. Ever mindful that a reorientation of foreign policy in the direction of an alliance with Germany could be more easily accomplished with public support than without it, SHIRATORI used a forum meeting in July 1940 to emphasize that Japan must necessarily join the course followed by Germany and Italy. He pointed out that Japan had already aided Germany and Italy by weakening Britain's and France's position in the Orient and by checking the United

UU-73.

- a. Summation F-133
- b. Summation F-130
- c. Summation F-140-3
- d. Ex. 536, T. 6262

States in forcing her to concentrate her power in
1 the Pacific. He lamented on the fact that some
2 leaders in Japan were still trying to improve rela-
3 tions with the United States and rebuked them for
4 following a course contrary to Germany's intentions.
5

6 F. SHIRATORI Helps to Establish New
7 Totalitarian Structure for Japan

8 UU-75. SHIRATORI's zealous service as a pro-
9 ponent of totalitarianism was recognized by the new
10 government and resulted in his appointment as repre-
11 sentative for foreign affairs on a commission of
12 national leaders that was established in August 1940
13 to prepare the adjustment of state affairs on an
14 authoritarian model. In making a report of this to
15 his government on 23 August 1940, Ott noted that
16 the commission consisted mostly of followers of the
17 reform movement and of the policy of cooperation
18 with the Axis Powers that was constantly demanded by
19 this reform element. In his interrogatory, Ott
20 attempted to repudiate his report, which was con-
21 temporaneous with the incident, by claiming that it
22 was based on erroneous information.
23 b

24 UU-74. a. Ex. 2234, T. 16,056

25 UU-75. a. Ex. 548, T. 6297
b. Ex. 3574A, T. 34877-8

UU-76. Both for the purpose of establishing
SHIRATORI's membership in such a committee and of
demonstrating the falsity of Ott's denial, we refer
to the testimony of ARIKA. He stated that on 22
August 1940 (the day preceding the date of Ott's
report) he was nominated as a member of the Arrang-
ing Committee for the New National Structure and
that the Imperial Rule Assistance Association was
later organized on the basis of the report of that
committee. He further said that SHIRATORI was among
those originally invited to serve on the committee.
We reject as unreasonable any suggestion that Ott
was not fully aware of this widely heralded move to
reform Japan's internal structure along totalitarian
lines.

G. SHIRATORI Becomes Advisor to
Foreign Minister.

UU-77. The new government of Prince KONOYE,
SHIRATORI's long-time political patron, did not fail
to reward his yeoman services. So strong was
SHIRATORI's position, as he himself admits, that it
was rumored he would be the next Foreign Minister.
Though this did not come to pass, SHIRATORI was able

UU-76. a. Ex. 3594, T. 35,020-1
UU-77. a. Ex. 3595, T. 35,047

1 to inform Ott within two weeks of the formation of
2 the new cabinet that he had declined the post of
3 Vice Foreign Minister but would be appointed Advisor
4 to the Foreign Minister, a position in which he be-
5 lieved he could exercise a far reaching influence.
6 He was in fact appointed as Advisor to the Foreign
7 Minister on 28 August 1940.
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9 UU-78. SHIRATORI has gone to great lengths
10 to persuade the Tribunal that this position was only
11 a sinecure, that he had no functions to perform and
12 that important documents were hidden from him. In
13 the light of attending circumstances, we submit that
14 this contention falls with the weight of its own
15 unreasonableness. The picture of a man who had con-
16 tributed as largely to Axis-Japanese accord as SHIRA-
17 TORI had, and the picture of a political pensioner
18 from whom it was necessary to hide details of negoti-
19 ation with the Axis simply do not fit into the same
20 frame. It will be remembered that even before the
21 cabinet was completed KONOYE, MATSUOKA and TOJO had
22 drawn up a foreign policy that conformed in all ways
23 to the policy SHIRATORI had been preparing the Japan-
24 ese public to accept. Significant also is the fact
25

UU-77. b. Ex. 538, T. 6265
c. Ex. 3575, T. 34,949

UU-78. a. Summation F-139

that in the face of wholesale dismissal of senior
diplomats in order to secure the new foreign policy
against internal opposition SHIRATO I not only was
not dismissed but was raised to the position of
Advisor to the Foreign Minister. This position car-
ried Shin-Nin rank, which was the highest in the
official hierarchy. A further fact militating against
the claim that MATSUOKA deliberately sought to rele-
gate SHIRATORI to the limbo of diplomatic inactivity
is his appointment within the same week as Foreign
Office Representative on the Preparation Committee
for the IRAA.

13 H. Conspirators Finally Achieve
14 Military Alliance with Axis.

UU-79. The decision of the Four Ministers' Conference of 4 September 1940 and its approval by the Liaison Conference of 19 September for the initiation of conversations among Germany, Italy and Japan for strengthening the Axis, the significance of the decision and the steps taken to implement it are discussed in the summation.^a The successful conclusion of the negotiations and the character of the resultant

24 UU-78. b. T. 35,985-6
25 c. UU-75-6, Supra

UU-79. a. Summation F-143-6

a. Summation F-143-6

1 Tripartite Pact are also noted in the summation. The
2 summation likewise deals with the defense contention
3 that the treaty was in fact an instrument of peace.^c

4 UU-80. We have seen that the Tri-Partite
5 Pact which crowned SHIRATORI's work of many years
6 was concluded approximately a month after SHIRATORI
7 was appointed Advisor to the Foreign Minister in the
8 2nd KONOYE Cabinet, ^a a position which he accepted to
9 exercise his influence on Japan's foreign policy.^b
10 MATSUMOTO, who returned to Tokyo in order to be made
11 Chief of the Treaty Bureau of the Foreign Office at
12 the very time of the Tri-Partite negotiations ^c com-
13 piled immediately after the conclusion of the Pact,
14 an official record of the process of the drafting of
15 various documents and their relation to each other.^d
16 In this official record he credited OHASHI, SHIRATORI
17 and SAITO with the initial plan for the Tri-Partite
18 negotiations ^e ^f which is in evidence. That the draft-
19 ing of the plan did not exhaust SHIRATORI's part in
20 the negotiations is shown by a further entry in this
21 official record stating that Stahmer informed.
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23 UU-79. UU-80.
24 b. Summation F-147-9 a. Ex. 3595, T. 35,049;
c. Summation F-150-1 Ex. 3575, T. 34,949
25 b. Ex. 538, T. 6265
c. Ex. 3144, T. 27,983
d. Ex. 3144, T. 27,984-5
e. Ex. 3145A, T. 27,986
f. Ex. 541, T. 6307-21

SHIRATORI of the German desire to sign the Pact in
Berlin and that this problem was taken up by MATSUOKA
at a conference between MATSUOKA, MATSUMOTO, Ott, and
Stahmer on 4 September 1940.^g Two days after the
conclusion of the Pact, on 29 September 1940, there
appeared in the Tokyo Asahi Shinbun an authoritative
explanation of the Pact by SHIRATORI.^h In due course
SHIRATORI, the "Advisor of the Foreign Minister when
the Tri-Partite Pact was concluded," and for a long
time "the principal advocate of intimate cooperation
with Germany,"ⁱ was awarded the Great Cross by
Germany in recognition of his services relating to
the conclusion of the Tri-Partite Pact.^j

UU-81. In the face of this evidence,
SHIRATORI disclaims any connection with the negotia-
tions for the Tri-Partite Pact^a and is supported by
the witness, SAITO. In view of SHIRATORI's consist-
ent endeavors for the conclusion of an alliance with
Germany and Italy, this is, on its face, an astound-
ing contention. According to SAITO, SHIRATORI's con-
tribution to the Tri-Partite Pact was a minor trans-

UU-80.

g. Lx. 3145A, S. 27,987-9
h. Ex. 2234, Part VII (not read)
i. Ex. 1272, T. 11,354
j. Lx. 3588, T. 34,964; Ex. 3579, T. 34,893-4
UU-81. a. Ex. 3595, T. 35,048-9
b. Ex. 3589, T. 34,966-7

lation job.^c This is reminiscent of SHIRATORI's earlier claim that he had nothing to do with the Japanese reply to the Lytton Report except to translate it. It seems indeed a strange fate that reduced SHIRATORI to the role of a mere off-stage translator at the very denouement of the plot in which he had previously played so prominent a part. SHIRATORI's and SAITO's contentions are supported only by their own ad hoc statements at this time while they are opposed by the contemporary report prepared by MATSUMOTO who incorporated this report in his testimony before this Tribunal.^d It may be noted that no reason is advanced by the defense as to why MATSUMOTO would have deliberately falsified facts by stating that SHIRATORI, SAITO and OHASHI authored the plan if that were not the case.

UU-82. In view of the importance of the matter, it may be justified to analyze SAITO's testimony somewhat in detail. In direct testimony he stated that he saw SHIRATORI almost daily in the Advisor's quarters in the Foreign Office; yet, in cross-examination, he volunteered the information

UU-31. c. Ex. 3583, T. 34,960; T. 34,983-5
d. UU-9, ^asupra
e. Ex. 3144, T. 27,983-4

UU-82. a. Ex. 3595, T. 35,048-9

that SHIRATORI while Advisor to the Foreign Office
1 hardly went to the Foreign Office. That this con-
2 tradiction was not an inadvertent slip of the tongue
3 may be seen from the fact that each statement sup-
4 ported the point the witness was making at the time.
5 The evasive character of SAITO as a witness is
6 further demonstrated by his refusal to admit that
7 SHIRATORI was a strong advocate of alliance with the
8 Axis. How he could be unaware of that fact in view
9 of the stream of propaganda lectures and writings
10 that poured forth from SHIRATORI on the subject and
11 at the same time be in such close touch with SHIRA-
12 TORI's activities that he could state to the Tribunal
13 with cathedralic certainty that SHIRATORI never saw
14 a certain document; never had conversation with a
15 certain person, never gave advice on certain matters,
16 et cetera, is indeed a mystery. Again, SAITO's assur-
17 ances to the Tribunal that SHIRATORI "was by no means
18 an advocate of Japan's southward advance" is directly
19 contradicted by SHIRATORI's emphatic espousal of an
20 advance to the south in his public addresses.
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b. T. 34,977
c. T. 34,978-9
d. Ex. 2234, T. 16,063

UU-82.

and that SHIRATORI thought it was no less objectionable to be pro-Axis than to be pro-Anglo-Saxon ^e certainly draws no support from the inflammatory speeches and writings of SHIRATORI that have already been cited. We have already noted that SAITO stated that the only connection SHIRATORI had with the Tri-Partite Pact was to translate into English the preamble of the treaty which SAITO had drafted into Japanese by Mr. MATSUOKA's order. ^f When confronted with his earlier testimony -- significantly not in the SHIRATORI phase of this case -- that the English text of the preamble was written and proposed personally by Mr. MATSUOKA, ^g he went into a long explanation stating in effect that there were three drafts of the preamble: MATSUOKA's original draft in English, SAITO's translation of it into Japanese, and SHIRATORI's re-translation into English which became the final version. ^h Yet, a comparison among MATSUOKA's draft as quoted in SAITO's earlier testimony, ⁱ the draft of the preamble as it appeared in MATSUMOTO's official record in its original form, ^j Annex 4 and in its final form in the Tri-Partite Pact, ^k

UU-82.

25 e. Ex. 3588, T. 34,963 f. Ex. 3588, T. 34,960

g. Ex. 3143, pp 5, 6 (not read) and T. 27,968; 34,984

i. Ex. 3143, pp 5, 6 (not read) h. T. 34,985

j. Ex. 3145A, T. 27,997-8

k. Ex. 3145A, Annex 20 (not read) and T. 28,016

shows that they are all one and the same. Thus, the
evidence destroys beyond a doubt SAITO's attempt to
explain away the conflict in his two statements and
with it his credibility as a witness.

VII. PERIOD AFTER TRI-PARTITE PACT.

A. SHIRATORI Tries to Unite People
Behind the Military Alliance.

UU-83. The conclusion of the Tri-Partite Pact
by no means brought abatement of SHIRATORI's activi-
ties as the conspiracy's propagandist for the glories
of German arms and the excellence of Japan's alliance
with the Axis. In November 1940, he rewrote an
article originally published in June 1939 in which he
cited German victory as proving the spirit of
totalitarianism and the final decline of liberalism
and democracy. He again pleaded for positive action
in concert with Germany and Italy to establish a new
world order. Once more he recounted the contributions
Japan had made to German attainments by keeping the
United States concerned with problems in the Pacific.
Disposition of the colonies of the Allies in the South
Seas was again a matter of concern to SHIRATORI be-
cause, as he said, "we, in establishing a New Order,
do not mean to confine its area only to China."^a

UU-83. a. Ex. 2234, L. 16,063

1 Thus, SHIRATORI continued his advocacy of the con-
2 spiratorial plan for southward expansion.

3 UU-84. SHIRATORI again served at the altar
4 of the alliance in December 1940 in an article en-
5 titled "The Three Power Pact and the World of To-
6 morrow." With great praise for the recently con-
7 cluded pact, SHIRATORI extolled the spirit of the
8 totalitarian States and painted in glowing colors the
9 reformation that a victory for the New Order would
10 bring into the world.

11 UU-85. In attempting to brush aside the
12 importance of his writings and harangues, SHIRATORI
13 again takes refuge in the familiar defense that they
14 were unofficial, personal interpretations and argu-
15 a ments. We refer to our previous treatment of that
16 b defense. His statement that he is not conscious of
17 ever having put forth any special effort to unite the
18 nation behind the Axis leaves room for considerable
19 wonder as to just what purpose SHIRATORI had in mind
20 in devoting himself so assiduously to speaking and
21 writing on the subject. If the Pact enjoyed the
22 unanimous acclamation he mentions, then we observe
23 that he is not without great credit for his part in

24 UU-84. a. Ex. 557, T. 6405

25 UU-35. a. T. 35,050

 b. UU-18, supra

1 having so carefully nurtured public opinion to grow
2 in that direction. If, as SHIRATORI claims, the
3 Pact's enthusiastic reception obviated the need for
4 further salesmanship on its behalf there nonetheless
5 remained the need to prepare the Japanese people
6 for the program the conspirators were to carry out
7 by means of the Pact. It was to this end, we submit,
8 that SHIRATORI continued his diatribes against the
9 democracies, his specious justifications for treaty
10 violations, and his insistent demands that Japan
11 avail herself of the best opportunity in all history
12 to drive democratic nations from Asia.

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UU-86. SHIRATORI's efforts in pressing for military action against the democracies is reflected in Ott's report on the general situation in Japan in January 1941.^a Ott cited the demand for an attack on Singapore made by activist circles under the leadership of SHIRATORI and Admiral SUETSUGU and with the support of the young officers' group and individual high leaders of the Army and the Navy. The importance of this demand will be seen from the fact that military specialists of the Germany Embassy in Tokyo made a special research study of such an attack on Singapore. Also, in January, SHIRATORI and OSHIMA discussed with Ott the advisability of German recognition of the Wang Ching-wei government.^b The fact that they both found understanding for their views from the Foreign Minister indicates that SHIRATORI did, despite his denial, advise with MATSUOKA on diplomatic matters. Later, in March 1941, SHIRATORI's participation as a war planner was again mentioned by Ott, who quoted him as stressing the need to tie up the British Fleet.^c Additional evidence of SHIRATORI's close collaboration with the German Embassy is seen in Ott's report of June 1941 of rumors

UU-86

24 a. Ex. 562, T. 6429-34

25 b. Ex. 3828, T. 37990

c. Ex. 576, T. 6476

received from SHIRATORI pertaining to an attack on the
Soviet Union. ^d

UU-87. Though he had been incapacitated to a degree by illness, SHIRATORI assured Ott in July 1941 that upon his recovery he would advocate an active course for Japan and he told Ott that he regarded Japan's entry into the war against Russia as the most important goal. ^a SHIRATORI has taken particular exception to this incriminating item of evidence. ^b He admits that Ott visited him at his seaside cottage in July, but denies a recollection of the conversation. He assures the Tribunal, however, that the conversation "could never have been such as his cable to Berlin would seem to suggest." Ott, in his interrogatory, attempted to minimize the importance of this event by describing his visit on this occasion as a casual, informal one, which he made on his way home one day. It is most significant that the interrogator asked several questions designed to establish the visit as a social meeting having no official import, but he did not once ask Ott whether his report of SHIRATORI's statements on that occasion was

UU-86 d. Ex. 800, T. 7968

UU-87 a. Ex. 1113, T. 10157
b. Ex. 3595, T. 35051-2

1 true and correct. Since it was in connection with
2 this particular telegram that SHIRATORI undertook a
3 general challenge of the Ott reports and in so doing
4 relied upon Ott's repudiation in his interrogatory,
5 it seems appropriate at this time to deal in some
6 detail with the Ott testimony.^c

7 B. Ott Fails to Explain away
8 SHIRATORI's Cooperation
9 With the German Embassv.

10 UU-88. In his ex parte statement in question
11 and answer form Ott very agreeably dismissed, repudiated,
12 denied or otherwise attempted to explain away a number
13 of his reports which had been used as prosecution
14 evidence and which were presented to him for comment
15 by the interrogator. Defense relies on this testimony
16 as complete refutation of that part of the prosecution
17 case linking SHIRATORI to the conspiracy by reason of
18 his collaboration with the German Embassy in the prepar-
19 ation, planning and waging of aggressive war. We take
20 the position that this testimony wholly fails as refuta-
21 tion because Ott's present recollections are not entitled
22 to the credibility merited by his reports made contempor-
23 anously with the happenings related; because of incon-
24 sistencies and mis-statements within the interrogatory;

25 UU-87 c. Ex. 3579, T. 34849-904

and because of contradictions supplied by other evidence
which supports or confirms the original reports that Ott
now seeks to impeach. Examples in support of this
position are set forth below.

UU-89. In his circuitous effort to discredit
Exhibit 1113,^a but without denying the truth of his re-
port, Ott agreed that his visit to SHIRATORI in July
1941 was an incidental one and was not a special trip
^b in his official capacity. The fact of the matter, as
brought out in rebuttal, was that Ribbentrop was so
concerned about the health of Germany's good and valuable
friend, SHIRATORI, that he cabled Ott on 3 July 1941 to
determine and to telegraph a report on SHIRATORI's true
state of health.^c With respect to SHIRATORI's continued
efforts on behalf of an alliance after his return to
Italy in December 1939, it is notable that the interrog-
ator did not pose a direct question whether SHIRATORI
did or did not continue his work to create support in
Japanese circles for an alliance with Germany. Carefully
avoiding the direct issue, he asked whether SHIRATORI
took part in German-Japanese-Italian negotiations after
this return from Italy. Ott likewise skirted a commit-

UU-89

- 24 a. T. 10517-8
- 25 b. Ex. 3579, T. 34884
- 25 c. Ex. 3829, T. 37992

ment on the issue and answered merely that official negotiations were terminated upon the conclusion of the Russo-German Pact in August 1939 -- a fact never disputed before the Tribunal.^d In answer to the several statements made by Ott that he had no official relations with SHIRATORI and that he saw him only occasionally at social meetings or in a private capacity,^e we repeat our previous stand that conspiracy is conspiracy, whether it be conducted over canapes or over an office desk.^f The absurdity of this defense could not be better illustrated than it is in exhibit 3828^g which tells that SHIRATORI gave advice to Ott on an official matter at a "quite private farewell breakfast" that Ott gave for OSHIMA.

UU-90. Ott's comment^a on exhibit 2198^b does nothing more than confirm that ITAGAKI did in fact communicate directly with SHIRATORI and OSHIMA as reported, and rebuts ITAGAKI's denial that he did so.^c His comment^d on exhibit 498^e is valueless in view of SHIRATORI's admission that he went to Italy to conclude

UU-89

d. Ex. 3579, T. 34854;
e. Ex. 3579, T. 34856, 34869,
34874, 34879, 34886, 34891;
f. UU-18 Supra;
g. T. 34990

UU-90

a. T. 34865
b. T. 15744
c. T. 30497
d. T. 34866
e. T. 6082,
T. 6130

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an alliance with the Axis and returned to Japan when
1 his expectations suffered a temporary set-back.^f
2 Ott's observation^g in connection with exhibit 511^h
3 that SHIRATORI did not take any active part in further-
4 ing German-Japanese relations, is completely at odds
5 with his own reports at that time, as well as other
6 evidence already discussed, particularly evidence of
7 addresses and articles praising Germany and urging
8 collaboration with her.ⁱ Attention is invited to the
9 form of questioning employed^j with respect to exhibit
10 516^k wherein Ott had reported SHIRATORI's cooperation
11 with him. The interrogator did not ask whether Ott's
12 report of cooperation was correct. He asked only whether
13 they cooperated under any plan or agreement. Similarly,
14 Ott evaded saying that he and SHIRATORI and OSHIMA had
15 in fact worked together and said only that there was no
16 agreement. This does not answer or discredit anything,
17 for the prosecution does not contend that there was any
18 signed and sealed formal instrument of agreement.

20 UU-91. Ott's attempt to repudiate^a exhibit
21 548^b has been discussed above.^c The careful phrasing
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UU-90

23 f. UU-35-6, supra
24 g. T. 34871
h. T. 6141
i. UU-66,67,69,71,
72,74, supra
j. T. 34872-4
k. T. 6152

UU-91

a. T. 34877-8
b. T. 6296
c. UU-75-6, supra

1 of the questions^d regarding exhibit 562^e is again
2 significant. The interrogator did not ask concerning
3 the accuracy of Ott's report of demands by activist
4 circles under SHIRATORI that Japan attack Singapore,
5 instead he asked only whether the conversations on
6 which Ott based his report were official talks. Ott's
7 statement that he was not afforded proof that SHIRATORI
8 was a leader in such circles is likewise valueless for
9 it is not a denial, that SHIRATORI did in fact exert
10 leadership in such a group. In answer to Ott's denial
11 that SHIRATORI ever furnished news or information to
12 the German Embassy, ^f we refer to the many telegrams
13 already discussed, in which Ott cited SHIRATORI as his
14 informant or advisor.

15 UU-92. Finally, attention is invited to the
16 inconsistent position Ott has taken with respect to
17 the importance of SHIRATORI in the Japanese political
18 scene. Four times in the course of his statement^a
19 Ott explained that he mentioned SHIRATORI's cooperation
20 in order to lend weight to his opinions in Ribbentrop's
21 mind and in order to convince Ribbentrop that he, Ott,
22 had contacts in influential Japanese circles. (This,
23 of course, is no denial of the fact of cooperation.)

24 UU-91

i. T. 34878-9
e. T. 6429
f. T. 34808

UU-92

a. T. 34863, 34873,
34874, 34901-2

1 On the other hand, Ott attempted elsewhere in his
2 statement^b to minimize the importance of SHIRATORI
3 in affairs of State, and even concluded^c that SHIRATORI
4 had not merited the Great Cross which Germany had
5 bestowed on him after conclusion of the Tri-Partite
6 Pact for his service in promoting German-Japanese
7 accord.^d We submit that Ott's contemporaneous estimate
8 of SHIRATORI's influence in political affairs is
9 deserving of far greater credence than this latter-
10 day change of heart on the subject.

11 C. SHIRATORI's Illness No Bar
12 to Continued Agitation For
13 Aggressive Action.

14 UU-93. The defense has presented evidence
15 tending to show that SHIRATORI was hospitalized from
16 mid-April to mid-May 1941 and that he was not completely
17 recovered from his illness until after the close of the
18 year.^a No proof was adduced showing that his illness
19 was in any way responsible for any particular act which
20 we rely upon as being an instance of conspiratorial
21 action. In the absence of such a showing it is
22 inconsequential whether SHIRATORI enjoyed perfect

23 UU-92

24 b. T. 34899-900
c. T. 34893
d. Ex. 1272, T. 11351

25 UU-93

a. Ex. 3592, T. 35004

1 health or not the day before, the day after, or even on
2 the day he contributed in some manner or means to the
3 conspiracy. That SHIRATORI continued to advise with
4 the German Embassy despite his illness has already been
5 shown in exhibit 800^b and exhibit 1113^c.

6 UU-94. His continued cooperation is again
7 evident from a report of a conversation in December 1941
8 in which SHIRATORI explained to Ott that leading circles
9 in Japan had become convinced that the United States
10 wanted to enter the war.^a This evidence not only
11 shows SHIRATORI's contact with Ott, but also the fact
12 that he was keeping in touch with Japanese leaders on
13 political matters. Once more, attention is invited to
14 the fact that when the interrogator questioned Ott on
15 this exhibit he avoided, for reasons we can only surmise,
16 direct inquiry as to the accuracy of Ott's reporting
17 and contented himself with suggestion to Ott that the
18 conversation took place in a villa by the sea.

19 D. SHIRATORI's Efforts Climaxed
20 at Pearl Harbor. He proclaims
21 World Domination the Aim of
the Conspiracy.

22 UU-95. Pearl Harbor brought to SHIRATORI the
23 fulfillment of his long-cherished and oft-proclaimed

24 UU-93 b. UU-86, Supra
25 c. UU-87, Supra

26 UU-94 a. Ex. 608, T. 6664

desire for action designed to strip the democratic
1 "have" nations of their vested rights and to drive them
2 out of Asia. Though limited to comparative inactivity
3 by illness in the months preceding Pearl Harbor,
4 SHIRATORI could still enjoy his full measure of credit
5 for the deeds of that day. As was true of the Tri-Partite
6 Pact, Pearl Harbor, with its catastrophic consequences,
7 was not conceived in a day or in a month or in a year,
8 but had been germinating since the start of the conspir-
9 acy to impress on all peoples a New World Order of
10 Nazi-Japanese design. Though SHIRATORI fired no shot
11 and released no bomb in the war of his choice, his hand
12 is nonetheless evident in the blueprint of that war.
13 We have already seen his early and continued espousal
14 of totalitarian forms and actions. In October 1937, he
15 proclaimed the new age of Nazism in the West and rebuked
16 his countrymen for their failure to accept completely
17 the new philosophy.^a Moving closer to the conspiracy's
18 ultimate aim, in March 1939, he tried to justify con-
19 tinued outlawry by ridiculing the democratic idea that
20 a treaty should be considered sacred and inviolable.^b
21 In March 1941 he wrote an article to prepare the people
22 for entry into the European war as an obligation under
23 UU-95. a. Ex. 3596-B, T. 35134-5
24 b. Ex. 3596-A, T. 35133-4

the Tripartite Pact. Such a war, he said, could be viewed as an expansion of the China Affair.^c With that we agree.. The Pacific war did spring from the China Affair, just as the China Affair grew out of the Manchurian Incident in accordance with the conspiratorial pattern. Seeing America as an obstacle, SHIRATORI had worked with the German Embassy, as Ott reported in June 1940, to convince political leaders of the inevitability of war with America.^d Now, the people had to be rallied behind that viewpoint. So, in April 1941, he attempted to convince them of the necessity of war against America if she did not "permit the New Orders of Asia and Europe to take their own courses."^e To make the horrors of that war more palatable, he stated: "Destruction of human lives and materials is unavoidable. This is neither the destruction of civilization nor the collapse of culture. This is nothing but a sacrifice for the sake of the birth of a new culture."^f At the same time, April 1941, he concentrated all his past agitation for a showdown with the democracies by republishing his old speeches and articles in a single volume under the significant

UU-95 c. Ex. 3597-A, T. 35127-8

d. UU-70, Supra

e. Ex. 3598, P. 2 (Not read)

f. Ex. 3598. T. 35130-1

title "The Age of War."^g

1 UU-96. SHIRATORI held to the conspiratorial
2 line during the war by serving on the Board of Directors
3 of the Imperial Rule Assistance Political Society,^a
4 by accepting election as a "recommended" member of the
5 Diet in the Government-controlled election in April
6 ^b and by continuing his efforts to shape public
7 opinion. ^c A literal believer in "the eight corners
8 of the world under one roof," SHIRATORI talked not in
9 terms of a half-world shared with the Axis, but of the
10 whole world under Japanese domination. In June 1942,
11 he told the people that German and Italian totalitarian
12 ideals did not provide the foundation for a Japanese
13 world,^d and that "the basic principle of Imperial Rule
14 is that it be extended over the earth."^e Hence the time
15 would come when the only hope of foreign countries would
16 be "to respectfully request the sovereignty of His
17 Majesty, the Emperor, the Incarnation of God."^f

VIII. THE CONCLUSION

20 UU-97. In closing this summation we submit
21 that the evidence adduced in this case leads to the
22 inescapable conclusion that SHIRATORI joined the
23

24 UU-95 g. T. 35099

UU-96 c. Ex. 2233-A.T.16012-

26

25 UU-96 a. Ex. 3575, T. 34949

d. Ex. 2233, T.16017

b. Ex. 3575, T. 34949

e. Ex. 2233, T.16023

f. Ex. 2233, T.16024

conspiracy at an early date as propagandist and
1 apologist for the establishment of a New World Order
2 by means of force and aggression. Not only did he
3 continue his attempts to influence public opinion
4 throughout the life of the conspiracy, but he worked
5 actively, both in and out of public office, to influ-
6 ence successive governments to take the steps necessary
7 to effectuate the aims of the conspiracy. This evidence,
8 we contend, has withstood attack and establishes beyond
9 a reasonable doubt that SHIRATORI is guilty of the
10 crimes with which he is charged in the Indictment. The
11 relation of the evidence to the particular counts in
12 the Indictment is set forth in the attached annex.
13 SHIRATORI pronounced a verdict upon himself and his
14 co-conspirators when he said that they must plead guilty
15 if they were obliged to explain and justify Japan's
16 expansionist action in the light of the Western view
17 of things or within the scope of law and treaties.^a
18 It is our respectful submission that the Tribunal cannot
19 do better than to accept this verdict as its own.
20
21 - - -
22
23
24
25 III-97 a. Ex. 3596-B, T. 35135

A N N E X

1 Counts 1 to 5 - the conspiracy counts are
2 sustained by all the evidence. Paragraphs UU-20 to
3 97 relate particularly to Count 5.
4

5 Counts 6 - 17 - planning and preparing for
6 aggressive war - are likewise supported by all the
7 evidence. Paragraphs UU-5 to 16, 20-1, and 28 relate
8 to Count 6 (China); 20-97 relate particularly to
9 Counts 7 and 8 (Great Britain and the United States);
10 13-17, 20-22, 27, 87 are especially pertinent to
11 Count 17 (U.S.S.R.)

12 Counts 27 to 32 and 34 - waging wars of aggress-
13 ion - all the evidence links SHIRATORI as an accomplice
14 and accessory. Pertinent to Counts 27 and 28 are
15 paragraphs UU-5 to 16; 20-1, and 28; Counts 29-32 and
16 34, - 20-97.

17 THE PRESIDENT: We will adjourn until half-past
18 one.
19

20 (Whereupon, at 1200, a recess
21 was taken.)
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AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at 1330.

2 MARSHAL OF THE COURT: The International
3 Military Tribunal for the Far East is now resumed.

4 BRIGADIER NOLAN: If it please the Tribunal,
5 the case against SUZUKI, Teiichi.

6 VV-1. The purpose of this summary is to present
7 to the Tribunal an analysis of the main points in the
8 evidence adduced both by the prosecution and by the
9 defense relating to the defendant SUZUKI.

10 VV-2. For the sake of convenience this evi-
11 dence has been arranged under separate headings, and,
12 as far as was possible, the chronology of events has
13 been followed.

14 VV-3. The contentions of the prosecution
15 based on the evidence are set out in appropriate places
16 in the Summary and special mention is made of evidence,
17 adduced by the defense, which the prosecution seeks to
18 distinguish.

19 VV-4. The defendant SUZUKI is charged under
20 Counts 1-17, 19-22, 25-32, 34-47 and 51-55 of the
21 Indictment, all numbers being inclusive.

22 1. MILITARY AFFAIRS BUREAU

23 VV-5. In his affidavit SUZUKI states that his
24 (VV-5. a. T. 35177-8)

a.

1 frequent contacts with China and the Chinese made him
2 sympathetic with the Chinese Nationalistic movement
3 and that after an interview with Chiang Kai-shek in
4 1927 his sympathy for that movement was all the more
5 intensified. His experiences cultivated his convic-
6 tion that the aspirations of the Chinese people for
7 the recovery of China's national rights would be
8 realized in due course of time and that Japan should
9 assist and cooperate with the New China represented
10 by the Nationalist Party and that he is glad to know
11 that one of his Chinese friends Hu Lin understands
12 him thoroughly.

13 VV-6. The witness Hu Lin, a newspaper editor
14 a.
15 in Shanghai states that in 1927 SUZUKI sympathized
16 with the Kuomintang and advocated that Japan should
17 help bring forth cooperation between the Generalissimo
18 and Marshal Chang Hsueh-liang. In 1935 Sino-Japanese
19 relationship was getting worse and SUZUKI still advo-
20 b.
21 cated Sino-Japanese cooperation.

22 VV-7. On cross-examination SUZUKI told the
23 a.
24 Tribunal that in 1932 and 1933 he was attached to the
25 Bureau of Military Affairs. His duties pertained to
26 liaison matters in military affairs concerning China

27 (VV-6. a. Ex. 3606
28 b. T. 35183)
(VV-7. a. T. 35255)

and enabled him to study the Manchurian problem and
1 the China Incident and in 1932 he went to Shanghai
2 to investigate the Manchurian Incident and conditions
3 in China proper. He was again in China after the
4 Tang-ku truce was signed.

5 VV-8. On redirect examination SUZUKI told
6 a.
7 his counsel that while in China he had a conversation
8 with Kwang Fu who was on intimate terms with Chiang
9 Kai-shek and Chairman of the Political Council in
10 Peking. Kwang Fu said that there were three points
11 around which Japan and China should make efforts for
12 the restoration of relations.

13 (1) Not to take up the Manchurian problem
14 until both sides had cooled off.

15 (2) Japan should not seek a special economic
16 status in China proper but should engage in economic
17 activities on equal terms with the powers.

18 (3) The common aim of Sino-Japanese relations
19 should be anti-communism.

20 VV-9. SUZUKI approved of these suggestions
21 a.
22 and expressed his opinion to his superiors that set-
23 tlement of the various local issues in North China
24 should be undertaken by relying upon and trusting the

25 (VV-7. b. T. 35256)
(VV-8. a. T. 35338)
(VV-9. a. T. 35338)

various North China organs of the Chinese and in cooperation with the Chinese.

VV-10. Not all of his opinions were adopted.
As a result of the Manchurian Incident there was in the army a feeling of contempt for the Kuomintang and being only a lieutenant colonel his views did not carry much weight.

VV-11. On cross-examination he was shown a document which had been received by MORISHIMA, the Section Chief of the Asiatic Affairs Bureau of the Foreign Office, on 12 July 1933. A written memo on the document stated that it had been received from Lieutenant Colonel SUZUKI with a note that as the War Ministry and the Army General Staff had unanimously agreed on the gist of the policy set forth in the document, it was desired that the government would decide its policies along those lines. The policy set out in the document stated in part:

"We must make the North China Regime suppress the National Party's Anti-Japanese activities in North China and make the party gradually reduce itself until its final dissolution . . . We should proclaim to the world that the Imperial Government as well as its people shall

(VV-10. a. T. 35340)

(VV-11. a. Ex. 3607-A, T. 35262)

1 be hostile to the Nanking Government as long
2 as it does not alter its past attitude towards
3 b.
4 Japan."

5 VV-12. SUZUKI went on to say^{a.} that the policy
6 did not express his own views and that it was his own
7 private opinion that he gave to Hu Lin in the course
8 of a private conversation.

9 VV-13. It is submitted that SUZUKI deceived
10 Hu Lin as to the real policy of the War Ministry and
11 the Army General Staff whose avowed object was the
12 final dissolution of the National Party and hostility
13 towards the Nanking Government. If this contention is
14 supported by the evidence, and the prosecution contends
15 that it is, it renders the testimony of Hu Lin worthless
16 when he said that SUZUKI was advocating Sino-Japanese
17 cooperation. SUZUKI knew what the real policy was and
18 was lending his efforts towards its implementation, and,
19 it is submitted that the evidence establishes that
20 SUZUKI's alleged sympathy with the Chinese Nationalistic
21 movement was a sham and not in accordance with the true
22 facts. He has been shown by the evidence to be a person
23 unsympathetic with that movement and his subsequent
24 activities are consistent with that view.

25 (VV-11. b. T. 35263)

(VV-12. a. T. 35264-5)

VV-14. As to his attitude towards Russia it
1 is to be observed that KIDO records in his diary ^{a.} that
2 on 18 April 1933 in a conversation at the residence
3 of Marquis INOUE, SUZUKI said that there were two
4 kinds of enemy, an absolute enemy and a relative enemy.
5 As Russia aimed to destroy the national structure of
6 Japan, he pointed out Russia as an absolute enemy.
7 In his affidavit, referring to this conversation, SUZUKI
8 ^{b.} states as long as Russia aided and abetted the activi-
9 ties of the 3d International which plotted to effect a
10 Communist revolution in Japan abolishing the Emperor
11 system, Russia was an absolute enemy of Japan.

VV-15. To further show his attitude towards
14 Russia during this period, the prosecution adduced evi-
15 ^{a.} dence through the witness TAKEBE, former Chief of the
16 General Affairs Department of the Manchurian Government,
17 that at a meeting in Toyama Military School in Tokyo
18 in 1933 after ARAKI had spoken, SUZUKI, using a map of
19 Manchuria, China and the Soviet Union, made a statement
20 which consisted in laying the ground for the necessity
21 for a war of Japan against the Soviet Union and for
22 the necessity of capturing the Soviet Maritime Province,
23 Zabaikalye and Siberia.

25 (VV-14. a. Ex. 2253, T. 16216

b. T. 35231)

(VV-15. a. Ex. 3371, T. 31835)

VV-16. In his own evidence ^{a.} SUZUKI says that he remembers explaining maps of Manchuria but denies making any speech connoting the necessity of military occupation of Siberia. The witness KOSAKA supports this statement. ^{b.}

VV-17. The prosecution contends that as early
as 1933 SUZUKI was, in fact, advocating the expansion
of Japan by means of aggressive war and again is at-
tempting to conceal his real attitude to serve his
present purpose.

11 2. CHINA AFFAIRS BOARD

12 VV-18. In his affidavit SUZUKI states^{a.} that
13 the China Incident commenced during his stay in Tongning
14 and that he "deeply deplored" such developments. Many
15 features of the policy relative to the China Incident
16 decided by the High Command and government were diametri-
17 cally opposed to his fundamental ideas on China.

VV-19. When he was appointed Chief of the
19 Political Section of the China Affairs Board, on 16
20 December 1938, he had to execute the duties assigned
21 to him within the framework of such a policy. He
22 set about his task with the following principles as
23 his personal guide:

25 (VV-16. a. T. 35232) (VV-19. a. T. 35194)
b. T. 36985)
(VV-18. a. T. 35193)

1 (1) Cooperation between the Chinese and
2 Japanese on terms of equality.

3 (2) The security of the Chinese in war
4 stricken areas.

5 (3) Respect for the rights and interests
6 of the Powers in China.

7 VV-20. He further states ^{a.} that the establish-
8 ment of new regimes in China was incompatible with his
9 basic ideas regarding Chinese affairs but it had been
10 a fixed policy over which he had no control.

11 VV-21. On cross-examination it was established ^{a.}
12 that the China Affairs Board was organized in December
13 1938 and that he was the first Chief of the Political
14 Section. He admitted that he was one of the organizers
15 of the Board of which the Prime Minister was President
16 and other cabinet ministers were vice presidents. The
17 principal offices of the Board were in Peiping and
18 Shanghai and there were other offices in Kalgan in
19 Inner Mongolia and in Amoy.
20

21 VV-22. He went on to say ^{a.} that the Board
22 handled business affairs in China in relation to indus-
23 try, transportation and economic problems and the con-
24 trol of the Board was effected through the North China

25 (VV-20. a. T. 35195)
(VV-21. a. T. 35266)
(VV-22. a. T. 35267)

1 Development Company and the Central China Development
2 Company. The Board also gave advice at times to Pro-
3 visional Governments in China.

4 VV-23. When asked on cross-examination what ^{a.}
5 features of the policy relative to the China Incident
6 and decided by the High Command and Government were
7 diametrically opposed to his fundamental ideas on
8 China, he replied that the features of the policy were
9 the decisions of January 1938 and October 1938.

10 VV-24. These decisions were ^{a.} that Japan
11 hoped for the establishment of a new government in
12 China and in cooperation with that government Japan
13 would work for the stability of East Asia and for Sino-
14 Japanese cooperation.

15 VV-25. SUZUKI felt that though the army talked
16 of establishing a new regime in China, such a regime
17 would naturally be established under the authority and
18 influence of the Japanese Army and it would be diffi-
19 cult to hope for a spontaneous expression of will on
20 the part of the Chinese people to establish a government
21 of their own.

22 VV-26. He also felt that it was wrong for
23 Japan to possess an economic system in China based on
24 (VV-23. a. T. 35270)
25 (VV-24. a. T. 35271)
26 (VV-26. a. T. 35272)

1 Japanese laws. He was making every effort to advance
2 along the lines that would make Japan's interference
3 in the political affairs of China as small as possible.
b.

4 VV-27. At this point the cross-examination
5 was directed to what in fact was done by the China
6 Affairs Board to minimize such interference of Japan
7 after his appointment as Chief of the Political Sec-
8 tion.

9 VV-28. In March 1939 liaison offices were
10 set up in China. SUZUKI states that prior to their
11 establishment the army had special service agencies
12 all over China and the opinion was advanced that it
13 was not good that the army solve all problems according
14 to its own viewpoint, and that the viewpoint of all
15 administrative government offices be also taken into
16 consideration in dealing with such problems.
a.

17 VV-29. On further cross-examination SUZUKI
18 stated that in June 1939 the China Affairs Board did
19 not concern itself with such matters as the appropria-
20 tion of moneys for the Wu project. He did not know
21 that the moneys for that project were to be paid out
22 of the surplus Maritime's Custom Revenue or that the
23 funds were to be drawn in the name of a Japanese to
24 maintain secrecy.
a.

(VV-26. b. T. 35276)
(VV-28. a. T. 35277)

(VV-29. a. T. 35279)

VV-30. When confronted with a document^{a.} from
1 the files of the Foreign Minister it became clear that
2 correspondence dated 29 June 1939 had passed between
3 SUZUKI and the Chief of the Bureau of East Asiatic
4 Affairs of the Foreign Ministry concerning the nomina-
5 tion of a Japanese to be responsible for the expenses
6 of the Wu project in accordance with a decision made
7 at a meeting of the China Affairs Board. SUZUKI then
8 admitted that he thought^{b.} that there had been expenses
9 for the Wu project in accordance with such a decision.
10

VV-31. He went on to say that he did not know
11 the purpose for which the funds were to be drawn or
12 whether they were to be drawn secretly; he merely
13 conveyed to the Foreign Minister and the Foreign Office
14 and the China Affairs Board branch offices in the China
15 area, the communications which had been sent to him
16 from the War Ministry.
17

VV-32. He did know that the Maritime Customs
19 revenue was customs duty levied on imports into China
20 and that the various branch agencies of the army were
21 carrying on the Wu project at the time and may have
22 utilized the revenue of the Maritime Customs for their
23 expenditure.
24

(VV-30. a. Ex. 3608-A, T. 35281
b. T. 35283)
(VV-32. a. T. 35285)

VV-33. He admitted ^{a.} that the problems of
1 creating new governments in China were matters which
2 he ha.. every reason to remember compared with others'
3 and that it was the most important problem of the
4 Board.
5

VV-34. When the China Affairs Board was
6 asked to give a letter to KAGESA (who was going to
7 see Wang) in order to show that the Board was not
8 opposed to Wang's peace moves, SUZUKI wrote the let-
9 ter. ^{a.} He also admitted that in February 1940 the
10 China Affairs Board recommended advisers for the New
11 Central Government and thinks that in that same month
12 40 million yuan was authorized to be loaned to that
13 government. ^{b.}
14
15
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23

24 (VV-33. . . T. 35286)
25 (VV-34. a. T. 35288
b. T. 35291)

VV-35. As further evidence of SUZUKI's attitude towards China the prosecution witness Goette stated that on 27 September 1939 he had a conversation with SUZUKI in Tokyo in which Goette raised the question of the Chinese with whom the Japanese army were working and SUZUKI said that they admitted that they could not get General Chiang Kai-shek to their side, therefore, the war against China would go on.

VV-36. In his affidavit SUZUKI states that he told a newspaper man whose name he does not remember that the policy of the government to deal with Wang was illusory for Chiang Kai-shek was the only real ruler in China.

VV-37. It may be mentioned here that it was during his service with the China Affairs Board that he states that he voiced his opposition to the proposed Triple Alliance (27 September 1940) because the Nazi conception of dictatorial and totalitarian government was not in harmony with his political views and for the added reason that Germany was then at war with Great Britain, with which latter country Japan must keep on friendly terms.

(VV-35. a. T. 3780.)

(VV-36. a. T. 35234)

(VV-37. a. T. 35190)

VV-38. The activities of the China Affairs Board and of SUZUKI during his period of office have been gone into with some particularity to prove the fact that this powerful Board, with SUZUKI as one of its important heads, was thwarting "a spontaneous expression of will" on the part of the Chinese people to establish a government of their own. So far from making an effort to minimize the interference of Japan in the political affairs of China, the establishment of new regimes in China was financed and encouraged.

VV-39. It is submitted that, by reason of his office and the importance of the matters engaging the activities of the China Affairs Board, SUZUKI had full knowledge of what was being done and his alleged efforts to minimize interference and to bring about cooperation between China and Japan on terms of equality are unsupported by the evidence. The prosecution contends that SUZUKI was in favor of aggressive warfare in China and was active in the exploitation of that country and its resources.

3. THE PLANNING BOARD

VV-40. As SUZUKI states in his affidavit his studies in financial and economic matters in the Finance Ministry in 1929 aroused in him a lively
(VV-40. e. R. 35175)

1 interest in problems of national economy.

2 VV-41. This interest in economic matters will
3 be shown by the evidence to have influenced his whole
4 career and eventually led to his appointment as
5 President of the Planning Board in April 1941.

6 VV-42. The Ordinance for the organization
7 of the Planning Board provides ^{a.} in Article I that
8 the Board shall have charge of

9 (1) Drafting of plans concerning the expan-
10 sion and employment of the total national resources
11 in times of peace and war and reporting of such plans,
12 together with reasons therefor, to the Prime Minister.

13 The ordinance further provides (Article 1,
14 paragraph 4) that the Board shall adjust and coordinate
15 affairs of the various government offices with regard
16 to the making and execution of a national mobilization
17 plan.

18 VV-43. It is probably quite true as SUZUKI
19 states in his affidavit and the plans were not pre-
20 pared by ^{a.} the Planning Board in an autonomous way and
21 that the execution of such plans was not the responsi-
22 bility of the Planning Board. Nevertheless, the
23 President of the Planning Board, as SUZUKI states
24 (VV-42. a. Ex. 71, R. 684)

25 (VV-43. a. R. 35240
b. R. 35293)

on cross-examination, had power to advise the Prime
1 Minister and Cabinet on matters of national policy
2 other than those concerning military affairs and
3 foreign affairs and on matters which would affect
4 trade and the national resources of Japan which, it is
5 submitted, would include the negotiations with the
6 United States in the month immediately preceding the
7 outbreak of the war.

a.

VV-44. In his evidence the prosecution
9 witness Liebert stated that the President of the
10 Planning Board, together with the Presidents of
11 control associations controlled Japanese economy.
12 b.
13 This is denied by SUZUKI who states that the organ-
14 ization and operations of control associations were in
15 charge of the Ministries concerned and not of the
16 Planning Board. It is submitted that SUZUKI himself
17 removes any doubt which might exist as to the importance
18 c. of his office when he states that he was instructed
19 by the Prime Minister to concentrate his energy on
20 the work of "economic mobilization". It could only
21 have been mobilization for war as he himself well
22 knew.

a.

VV-45. In his affidavit SUZUKI states
23
24 (VV-44. a. T. 8403
25 b. T. 35241
c. T. 35309)
(VV-45. a. T. 35196)

1 that he was asked by KONOYE to assume the post of
2 President of the Planning Board, and, while he was
3 reluctant to accept, KONOYE told him that his refusal
4 would have placed KONOYE in an awkward predicament
5 because a condition of OGURA's acceptance of a Cabinet
6 post was the nomination of a new President of the
7 Planning Board.

8 VV-46. At the same time, 4 April 1941, he
9 was appointed Minister without Portfolio which enabled
10 him to attend Cabinet meetings. He understood that
11 his primary function lay in the execution of the bus-
12 iness of the Planning Board. On cross-examination
13 he stated that he did not suggest that because his
14 primary function lay in the execution of the business
15 of the Planning Board that he could escape the respon-
16 sibility attaching to a Minister of State.
17 a.

18 VV-47. In his affidavit he states that he
19 understood he was especially chosen, not blindly to
20 comply with the exorbitant demands then made by the
21 Army and Navy but to see that the allocation of vital
22 commodities be made in such a way as not to exhaust
23 the very sources of the nation's economic power through
24 over concentration on the production of munitions and
25 (VV-45. b. T. 35292)
(VV-46. a. T. 35196
b. T. 35292)
(VV-47. a. T. 35197)

to secure the cultural life as much as possible.

1 VV-48. His first task was drawing up the
2 Commodity Mobilization Plan or Plan for the Allocation
3 of Vital Materials for the fiscal year 1941. SUZUKI
4 states in his affidavit ^{a.} that the Commodity Mobiliza-
5 tion Plan sanctioned by the Cabinet on 22 August 1941
6 was formulated so as to ensure self-supply and self-
7 sufficiency as much as possible in respect of vital
8 commodities, with a view to guaranteeing the security
9 of national livelihood as well as to preserve the
10 people's sense of security with regard to national
11 defense.
12

13 VV-49. It is the contention of the prosecu-
14 tion that this Plan (like others which will be referred
15 to later) was a war plan. On cross-examination,
16 SUZUKI stated ^{b.} that one could not say it was a war
17 plan. Great stress was laid on the prompt expansion
18 of armaments but that was not all. When shown a state-
19 ment made to the press ^{b.} concerning the plan he admitted
20 he may have made the statement in which it was announced
21 that the Government has examined and studied various
22 measures necessary for the completion of the war-time
23 (VV-48. a. T. 35196
24 b. T. 35199)
25 (VV-49. a. T. 35296
b. T. 35296, Ex. 1132)

1 system in response to the international situation
2 which had undergone a sudden change and that the
3 enforcement of the scheme depended upon a strong war
4 sense and the cooperation of officials and the people.

5 VV-50. In answer to his own counsel on
6 redirect examination SUZUKI said that in formulating
7 the 1941 Mobilization Plan, national defense, generally
8 speaking, was considered but nothing specific, such as
9 any possible conflict with the United States or Great
10 Britain was ever considered.

11 VV-51. From the end of June 1941 SUZUKI
12 a.
13 states that he was confronted with two events of
14 major importance, "the first place the German-
15 Soviet war made it impossible for Japan to obtain
16 special steel, machine tools and other items. Secondly,
17 the dispatch of troops to South French Indo-China
18 brought in its wake the economic blockade of Japan by
19 the United States, Great Britain and other countries,
20 cutting off Japan's anticipated supply of scrap iron,
21 petroleum, fertilizers and other vital commodities.

22 VV-52. When asked on cross-examination
23 whether the special steel machine tools and scrap iron
24 (VV-49. c. Ex. 1132, T. 10204)
25 (VV-50. a. T. 35341)
(VV-51. a. T. 35198)
(VV-52. a. T. 35294)

were to be used in the manufacture of munitions of
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su SUZUKI replied in the affirmative.
VV-53. With regard to the disptich of troops
into South French Indo-China SUZUKI does not remember
attending the Imperial Conference of 2 July 1941, but
heard from KONOYE that they might be dispatched. He
voiccd the view that it would be a serious matter
if Japan were subjected to an economic embargo. The
Prime Minister said that the step was imperative to
ward off an immeadiate danger of a war with the Soviet
Union.

VV-54. On cross-examination SUZUKI stated
he himself did not think that the move would ward off
the immeadiate danger of a war with the Soviet Union.
He objected to the move because he felt in view of
the negotiations with America and in view of the domestic
situation it was unwise to deploy Japan's forces over
a wide area. Whether his objection bc based on
economic or military grounds it is to be observed that
SUZUKI was one of the Cabinet Ministers who decided
to disptach the troops and his views were not such
as to cause him to relinquish his office.

(VV-53. a. T. 35198
b. T. 35199)
(VV-54. a. T. 35295
b. T. 35294
c. T. 35295)

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VV-55. In July 1941 a plan was created for
French Indo-China and the exploitation of its natural
resources. SUZUKI stated in his cross-examination
that he understood that a Stationary Economic Investi-
gation organ was to be established in the Japanese
Consulates at Hanoi and Saigon.

VV-56. In 1941 the opinion was, he states,
brought to the fore in Japan that as long as the United
States refused to sell Japan-needed commodities Japan
was compelled to take by force of arms the areas con-
taining such resources. When asked on cross-examination
if he considered such a refusal a justification for
aggressive war, SUZUKI replied that under any circum-
stances aggressive war was wrong.

VV-57. In August 1941, he was ordered by the
Prime Minister to study three problems which it is
submitted are indicative of the importance of the work
of the Planning Board.

(a) Can Japan provide herself with needed
materials without relying upon America or Britain?
SUZUKI's answer was no.

(b) Supposing that the severance of economic
relations was to continue, would Japan be able to stand

(VV-55. a. T. 35,301.
VV-56. a. T. 35,200.
b. T. 35,300.
VV-57. a. T. 35,200.)

it for the duration? His answer was that so long as
1 no further special development occurred in Japanese-
2 American relations, Japan could rely upon her stockpiles,
3 excepting petroleum and a few other things, so that
4 Japan might escape a collapse for a year and a half or
5 possibly two years.

6
7 (c) Supposing that war broke out and Japan
8 succeeded in taking the oil-producing areas of the
9 Netherlands East Indies, would Japan then be able to
10 obtain the needed petroleum. He reported that immediate
11 acquisition of the petroleum would be impossible because
12 military occupation would necessarily be attended with
13 serious destruction.

14 VV-58. In order to further show that war was
15 being planned and prepared SUZUKI was cross-examined
16 regarding oil well equipment. He says he first heard
17 of the army and navy dismantling oil well equipment to
18 be taken south in the middle of August 1941. He thinks
19 that this was done with the thought that there might
20 possibly be a war and with the further thought that it
21 might be very useful to exploit the oil fields of the
22 a.
23 areas to be occupied.

24 VV-59. The attention of the Tribunal is also
25 drawn to the fact that SUZUKI took over and revised
(VV-58. a. T. 35,300-1.)

the Five-Year Plan of his predecessor in office
a.
HOSHINO which has been described in the General Sum-
mation of the prosecution.

VV-60. He was also active in the formulation of other plans which the prosecution contends could only have had as their object the planning and preparation for war.

VV-61. The Traffic Mobilization Plan of
5 September 1941 was announced in the press as a plan
to place land and sea transportation on a wartime basis
to meet the requirements of the times but SUZUKI denied
that it was a plan in preparation for war. The Workers
Mobilization Plan of 13 September 1941 was described
in the press as a scheme, jointly formulated by the
Planning Board and the Welfare Office, based on the
emergency labour policy and aimed at insuring the supply
of sufficient labour for the increased production of
munitions. Again SUZUKI denied that this was a war
plan.

VV-62. In addition to the foregoing the attention of the Tribunal is directed to the Key Industries Control Ordinance of 30 August 1941. The

23 INDEX OF 1000 CONTROL SPECIMENS

24 (VV-59. a. T. 35,293.
VV-61. a. Ex. 1133, T. 10,213.
25 b. T. 35,297.
c. Ex. 1140, T. 10,228.
d. T. 35,298.

VV-62. a. T. 8,403.)

b.
witness Liebert describes this as the most sweeping
1 of all control ordinances. It was to serve as a foun-
2 dation for the complete control of all major industries
3 by the government. In his affidavit SUZUKI points out
4 that the outlines of this plan were formulated prior
5 to his assumption of office as President of the Planning
6 Board; nevertheless, the law was passed during his
7 tenure of office.

VV-63. Attention is also directed to the
9 a.
10 Imperial Petroleum Company Ordinance passed on
11 b.
15 March 1941. As SUZUKI points out this was before
12 c.
he assumed office but the company itself was organized
13 on 1 September 1941 after he became President of the
14 Board.

VV-64. Attention is also drawn to the creation
15 of the Sixth Committee. This Sixth Committee was set
16 a.
17 up, SUZUKI states, in order to supplement material
18 necessary for carrying on a war for national self-
19 defense against America, Britain and The Netherlands
20 which might be unavoidable in view of the surrounding
21 circumstance. The function of the committee was to work
22 out plans for the development, acquisition and control
23 of resources in the Southern Areas which might possibly
24

25 (VV-62. b. T. 8,403. c. T. 35,240.
VV-63. a. T. 8,290. c. T. 8,476.
b. T. 35,241.)

VV-64. a. T. 35,244.)

be occupied. On 2 December 1941, when the opening
1 of hostilities had been decided upon he was ordered
2 by the Prime Minister to act as chairman of the committee.
3 a.

VV-65. The Regulations of the Sixth Committee
4 b.
5 and its Report on Economic Counter Plans for the
6 Southern Area are in evidence, and are not discussed in
7 detail in this summary. It is quite evident that the
8 war of "self-defense" contemplated the acquisition and
9 exploitation of resources on the Southern Areas which
10 it was planned to occupy.

VV-66. It is also to be observed that on
11 several occasions SUZUKI attended meetings of the Privy
12 Council and the Investigating Committee of the Privy
13 Council a.
14 Council as an explaining member. In his affidavit he
15 b.
16 states that the function of an explaining member is
17 to make such necessary explanations as may be ordered
18 by the minister in charge and did not include the right
19 to vote. The matters discussed at the meetings in July
20 1941 were the conclusion of a protocol between France
21 and Japan with regard to the defense of French Indo-
22 China.

VV-67. At the meeting on 8 December 1941 the
23 (VV-65. a. Ex. 1331, T. 11,944.
24 b. Ex. 1332, T. 11,948.
25 VV-66. a. Ex. 649, T. 7069.
Ex. 650, T. 7074.
Ex. 1241, T. 10,690.
Ex. 1267, T. 11,306.
b. T. 35,236.)

accused SHIMADA reported on the outbreak of war against
1 America and England and at the meeting on 10 December
2 1941 the proposal made by Japan to Germany and Italy
3 regarding a no-separate peace treaty was the subject
4 under discussion.
5

VV-68. It is unnecessary to emphasize the
6 importance of these meetings at which SUZUKI was present
7 as an explaining member.

VV-69. Moreover, it was SUZUKI who reported
9 to the Emperor on 29 September 1941, that if as a result
10 of war the United States should be prevented from
11 importing rubber and tin from the southern areas, it
12 would not imply any vital blow as they might be replaced
13 by imports from South America and that large-scale
14 production of artificial rubber would be feasible in
15 the United States.
16

VV-70. It is the contention of the prosecution
18 that SUZUKI was active in assisting in the organization
19 of the Greater East Asia Ministry. He attended the
20 meeting of the Investigating Committee of the Privy
21 Council on 9 October 1942, as an explaining member
22 a.
23 as he himself says on cross-examination "to clarify
24 the position of the government" regarding the measure.
25 b.

(VV-69. a. T. 35,242.
VV-70. a. Ex. 687, T. 12,070.
b. T. 35,247.)

The evidence also shows that at the 4th meeting of
1 the committee when asked if there was any intention of
2 changing the name of the ministry SUZUKI replied that
3 he considered the name Greater East Asia Ministry proper
4 because it bespoke straightforwardly the consistency of
5 establishing Greater East Asia and that he had no
6 intention of changing it. On cross-examination he
7 admits that one of the main tasks of this new ministry
8 was to exploit the natural resources in the occupied
9 areas. On cross-examination TOGO stated that the
10 creation of the new ministry had been planned by the
11 four cabinet board presidents and principally by the
12 Planning Board.

VV-71. The activities of the Planning Board
15 have been dealt with at some length in order to lend
16 support to the contention of the prosecution that it
17 was an important organ in planning and preparing for
18 aggressive war and in exploiting the areas to be occu-
19 pied and that SUZUKI, as president of that board and
20 a minister of state was actively engaged in the formu-
21 lation and execution of such plans and preparations.

23 4. Liaison Conferences.

VV-72. It is now proposed to deal with the
24
25 (VV-70. c. Ex. 687, T. 12,070.
d. T. 35,319.
e. T. 35,756.)

1 Liaison Conferences and the attitude of SUZUKI in respect
2 to the matters which came up for discussion at those
3 conferences.

4 VV-73. SUZUKI states that about the end of
5 August the Prime Minister ordered him to attend the
6 Liaison Conference to make replies to questions regard-
7 ing economic problems. He was told he was to attend as
8 President of the Planning Board and was to bear that
9 in mind when asked to speak. SUZUKI interpreted this
10 to mean that he was to attend as the technical assistant
11 of the Prime Minister and to refrain from speaking
12 except by order, or with the consent, of the Prime
13 Minister. On cross-examination he stated that by
14 technical assistant he meant that he was to reply to
15 questions on economic problems.

16 VV-74. He explained that the Liaison Con-
17 ference was not a policy-deciding body existing over
18 and above the cabinet but was a meeting convened with
19 a view to reaching an understanding through an exchange
20 of views as between the government and general head-
21 quarters. On cross-examination he admitted that when
22 a decision had been reached at a Liaison Conference
23 (VV-73. a. T. 35,201.
24 b. T. 35,202.
25 c. T. 35,301.
VV-74. a. T. 35,203.
b. T. 35,302.

there was little or no change made in that decision
1 when it went back to the cabinet. As the Prime Minis-
2 ter was in attendance, generally speaking, whatever had
3 been discussed at the Liaison Conference was approved
4 by the cabinet. After the end of August he only attended
5 such conferences as he was ordered to attend by the
6 c.
7 Prime Minister, but after the establishment of the
8 TOJO Cabinet, Liaison Conferences were held continuously
9 up to the end of November and he attended all of these
d.
10 conferences.

VV-75. The defendant TOGO was cross-examined
a.
11 with regard to Liaison Conferences and stated that a
12 number of these conferences were held between 23 October
13 1941 and 8 December 1941 and that those present,
14 including SUZUKI, were active in accordance with their
15 b.
16 duties. During the beginning of the Liaison Conferences
17 SUZUKI was one of those opposed to the withdrawal of
18 Japanese troops from China within a specified time limit.
19 It was upon the terms of propositions A and B to nego-
20 tiate with the United States, that the views of the
21 Liaison Conference of 1 November 1941 were split into
22 two. The argument was advanced by one group, which
23 included SUZUKI, that there would be no alternative
24 (VV-74. c. T. 35,303. d. T. 35,304.
25 VV-75. a. T. 36,072.
b. T. 36,074.)

except to make a decision on war in the event that the
propositions were not accepted.

VV-76. The decisions arrived at during the Liaison Conferences in November have been fully dealt with in the General Summary of the prosecution case. Attention is drawn here to the Liaison Conference preceding the Imperial Conference of 5 November 1941, to the Liaison Conference of 11 November 1941 when the draft of the "Principal reasons alleged for the commencement of hostilities against the U.S.A. and Britain" was adopted; to the Liaison Conference of 13 November 1941, when it was considered what measures would be taken against foreign countries as a result of the Imperial Conference on 5 November 1941; to the Liaison Conference of 20 November 1941, deciding upon a military administration for occupied territories; to the Liaison Conference of 27 November 1941, where there was unanimous agreement to wage war against the United States; to the Liaison Conferences of the first week in December when the terms of the Final Note were discussed.

VV-77. It should be pointed out that in answer to counsel for the accused TOGO, SUZUKI stated

(VV-75. c. T. 36,062-3.

VV-76. a. Ex. 1175, T. 10,362.

b. Ex. 1169, T. 10,332; Ex. 878, T. 8,994.

c. Ex. 877, T. 8,987.

d. T. 36,079.

VV-77. a. T. 35,332.)

there may have been some Liaison Conferences he attended
1 and some he did not attend between 1 December 1941 and
2 the outbreak of the Pacific War.

3 VV-78. It appears from his evidence that
4 SUZUKI is endeavoring to minimize both the importance
5 of these Liaison Conferences and the importance of the
6 part that he played at them; he does this by describing
7 himself as a technical assistant ordered to attend and
8 by saying that the decisions of the Liaison Conference
9 were not binding on the cabinet.

11 VV-79. It is submitted that even if SUZUKI
12 attended these Liaison Conferences as President of the
13 Planning Board, that fact is indicative of the importance
14 of the functions of that board particularly during the
15 months immediately preceding the outbreak of war. Also
16 whether or not the decisions of the Liaison Conferences
17 were binding upon the cabinet, and it is submitted that
18 in practice they were, it must not be forgotten that
19 throughout the period SUZUKI was attending such con-
20 ferences he was a member of the cabinet and fixed with
21 the responsibilities of the minister of state. The
22 defendant TOJO in his affidavit describes SUZUKI as
23 one of those cabinet ministers who had a voice in the
24 Liaison Conference.
25

(VV-79. a. T. 36,266.)

5. The Meeting at Ogikubo on 12 October 1941.

VV-80. On 12 October 1941 SUZUKI was present at a conference at the Prime Minister's private residence at Ogikubo when the War Minister, the Navy Minister and the Minister for Foreign Affairs were also present. SUZUKI in yet another effort to show the unimportant part he played at this conference stated that he was present having been directed to make a record of its proceedings.

VV-81. On cross-examination he was asked if he were a mere secretary at the meeting; he replied that he was not. The main topic was whether or not to continue negotiations with America and in connection with this the question of the withdrawal of Japanese troops from China also came up.

VV-82. On this question there was a sharp difference of views between the Prime Minister and the War Minister. The navy really thought war with America was impossible but did not desire to say so. The army did not necessarily desire war but vigorously objected to the withdrawal of troops from China.

VV-83. SUZUKI stated that he did not make
(VV-80. a. T. 35,205.
VV-81. a. T. 35,304.
b. T. 35,304.
VV-82. a. T. 35,205.
b. T. 35,206.
VV-83. a. T. 35,305.)

any remark at this conference. He was busy taking
notes of what the other ministers were saying.

VV-84. In answer to counsel for KIDO SUZUKI
states that he does not know if the secretary of the
cabinet, TOMITA, was present in another room but remem-
bers that KIDO records in his diary that TOMITA visited
KIDO and gave him a report of what transpired at the
meeting.

VV-85. Whatever part SUZUKI may have taken
in the discussions at Ogikubo, it is noteworthy that
he was invited to attend by the Prime Minister and it
is submitted is another indication of the fact that he
was one of those persons active in the discussions
leading up to the outbreak of the Pacific War. This
is borne out by the evidence of TOJO who in his affi-
davit stated that the purpose of the meeting was an
informal conversation among the ministers concerned with
regard to the prospects of the current American-
Japanese negotiations as well as the decision to be
taken regarding the issue of peace versus war.

(VV-84. a. T. 35,252.
VV-85. a. T. 36,299.)

6. THE FALL OF THE THIRD KONOYE CABINET

1 VV-86. A portion of the affidavit of
2 SUZUKI^{a.} is taken up with an account of his various
3 visits to KONOYE, KIDO, TOJO and HIGASHIKUNI in
4 October 1941 immediately before the resignation of
5 the KONOYE Cabinet. He says^{b.} that in this liaison
6 work he acted strictly as a messenger. These con-
7 versations are also fully reported in a document
8 entitled "Facts Pertaining to the Resignation of
9 the Third KONOYE Cabinet"^{c.} and in KIDO's Diary.^{d.}

11 VV-87. It also appears from SUZUKI's
12 affidavit^{a.} that on 14 October 1941 KONOYE asked
13 him to sound out the War Minister as to his views
14 on the disposition of the political situation after
15 KONOYE's Cabinet resigned. TOJO told SUZUKI that he
16 believed that no one but Prince HIGASHIKUNI could
17 save the situation.^{b.} Late that evening SUZUKI
18 conveyed this to KONOYE who was greatly elated and
19 asked him to convey the views of TOJO and himself to
20 KIDO.^{c.}

22 VV-88. On the following morning, 15 October,^{a.}
23 SUZUKI called on KIDO who said it was not customary.

24 VV-86. a. T. 35208-213; b. T. 35243; c. Ex. 1148, T. 10250; d. T. 10274; Ex. 1150, T. 10275;
25 d. Ex. 1149, T. 10274; Ex. 1150, T. 10275;
Ex. 1151, T. 10281.
VV-87. a. T. 35208; b. T. 35209.
VV-88. a. T. 35210.

to install a member of the Imperial family as the head
1 of a cabinet and that there seemed to be a group of
2 men in the army who would make their way into war
3 under the leadership of HIGASHIKUNI so he (KIDO) would
4 think it over carefully.
5

VV-89. SUZUKI reported this to KONOYE and
6 a little later KIDO telephoned and SUZUKI went to see
7 him. KIDO asked him to go to the War Minister and
8 ask if he can hold down the army's war faction if
9 HIGASHIKUNI heads the government and decides against
10 a.
11 war.

VV-90. He saw TOJO who said if HIGASHIKUNI
12 heads the government and decides on a no war policy
13 and if it cannot check the army, under whose premiership
14 can it be checked. TOJO could not say then
15 whether or not it could be checked.
16

VV-91. SUZUKI conveyed this to KIDO and
17 early the next day he was called by KONOYE to see
18 HIGASHIKUNI and inform him as to the nation's strength.
19 a.
20 He told HIGASHIKUNI that Japan was not sufficiently
21 b.
22 strong to go to war. He reported to KIDO what had
23 transpired since the previous day and that afternoon

VV-89: a. T. 35210.
24 VV-91: a. T. 35211:
25 b. T. 35307.

1 KONOYE told SUZUKI that it had been decided not to
2 ask HIGASHIKUNI to head a government and that the
3 cabinet would resign.
4

5 VV-92. In his cross-examination SUZUKI
6 stated that about the time of the fall of the Third
7 KONOYE Cabinet he went to see KIDO and told him the
8 only way to suppress the attitude of the army was to
9 have the Emperor state that he did not want a war.
10 SUZUKI remembers that KIDO did not agree with his
11 views.

12 VV-93. He was cross-examined on this
13 conversation by counsel for KIDO and stated that he
14 thought that the conversation was on 13 October 1941,
15 and that KIDO had said that perhaps in the final
16 analysis it might be necessary to petition the
17 Emperor for his influence but that it was not yet the
18 proper time. SUZUKI says he made the same suggestion
19 to KONOYE who said it would be necessary to
20 obtain the agreement of the War, Navy and Foreign
21 Affairs Ministers and if such an agreement were ob-
22 tained, it would be no matter at all to petition the
23 Emperor and asked SUZUKI, first of all, to obtain
24 VV-91. c. T. 35212.
25 VV-92. a. T. 35305.
VV-93. a. T. 35326.
b. T. 35327.

the opinion of TOJO. After meeting the War Minister,
1 it was found that the matter was difficult and it was
2 then that he spoke to KIDO about the matter.
3

VV-94. The prosecution attaches importance
4 to the activities of SUZUKI in this period immediately
5 preceding the fall of the Third KONOYE Cabinet because
6 it is made clear that SUZUKI was busily engaged in the
7 political manoeuvres of the day and had an intimate
8 knowledge possessed by few people of what was going
9 on behind the scenes in Japanese politics leading to
10 the formation of the TOJO Cabinet.

12 7. THE TOJO CABINET.

VV-95. When SUZUKI was informed by KONOYE
13 that TOJO would form a Cabinet KONOYE went on to say
14 that he believed that TOJO would check the war faction
15 and proceed with the American negotiations and when
16 asked by TOJO to continue in his office he consented in
17 conformity with the advice of KONOYE.
18

VV-96. He was cross-examined as to whether
19 he thought that TOJO would be able to check the war
20 faction; he replied that TOJO himself did not neces-
21 sarily seem to advocate war on his own but there was
22 some hidden power pushing this war agitation. At this
23 VV-93. c. T. 35328.
24 VV-95. c. T. 35213.
25 VV-96. c. T. 15206.

time the army was waging war.

VV-97. Upon becoming Prime Minister TOJO told SUZUKI ^{a.} that it was his desire that SUZUKI concentrate his energy on the work of economic mobilization and not to meddle in political affairs.

VV-98. Two questions were put to SUZUKI by TOJO -

(I) If the American-Japanese negotiations should be broken off and no prospect exists for the termination of the economic severance, to what extent may Japan maintain her supply of commodities.

VV-99. SUZUKI answered that while there would be some increase in the steel produced there would be a decrease in commodities from Thailand and Indo-China because American and British interference must be expected, and further that the prospect was anything but bright in respect of commodities to be imported from the United States, Great Britain and the Netherlands, especially in the case of petroleum. The manufacture of artificial petroleum could not meet the urgent needs.

VV-100. (II) If Japan should succeed in the event of war in occupying the natural resources zones

VV-97. a. T. 35214.
VV-98. a. T. 35215.
VV-99. a. T. 35217.

1 in the Southern Regions without serious damage, how
2 far could self-supply be expected?

3 VV-101. SUZUKI answered that shipping would
4 be difficult, the supply of steel would diminish and
5 imports from French Indo-China and Thailand, particu-
6 larly rice, would be reduced. With regard to imports
7 from the Southern Regions an estimate could not be made
8 by the Planning Board but according to the studies
9 made by the Army and Navy ministries the petroleum
10 obtainable in the first year would approximate
11 300,000 tons and in the second year would approximate
12 2,000,000 tons provided that the Southern Areas could
13 be occupied after the outbreak of war.

14 VV-102. SUZUKI states in his affidavit
15 that the policy of TOJO to bring about the successful
16 conclusion of the American-Japanese negotiations was
17 concretely manifested in the decision of the Imperial
18 Conference 5 November 1941 which decided to withdraw
19 the armed forces from China to make the negotiations
20 successful.

21 VV-103. Furthermore, the conditions for
22 conducting the negotiations were more favorable at the
23 time of the KONOYE Cabinet by the recognition of the

24 VV-101. a. T. 35218-9.
25 VV-102. a. T. 35220.

withdrawal of troops which had been vigorously opposed
1 by the army. Moreover, the troops which had advanced
2 into Southern Indo-China were to be withdrawn.

3 VV-104. The fact is, it is submitted, that
4 the decision ^{a.} to withdraw the troops from China made
5 at the Imperial Conference on 6 November 1941 did not
6 contemplate an immediate or complete withdrawal. It
7 was decided that "among the Japanese troops dispatched
8 to China for the disposal of the Chinese Incident,
9 those in the designated areas in North China and
10 Mongolia and on Hainan Island will be stationed there
11 for a necessary term after the establishment of peace
12 between Japan and China. Simultaneously with the
13 establishment of peace, we shall commence to with-
14 draw the rest according to a separate agreement
15 between Japan and China, and with the establishment of
16 public order this will be completed within two years."

17 A note appended thereto states that "If the
18 United States should make an inquiry as to the necessary
19 term, it will be replied that our aim will be approxi-
20 mately 25 years."

21 VV-105. With regard to the withdrawal of
22 troops from French Indo-China the decision was ^{a.}
23

24 VV-104. a. Ex. 779. T. 7904.
25 VV-105. a. Ex. 779, T. 7904.

1 "That the Japanese troops now dispatched to
2 French Indo-China will be withdrawn immediately after
3 the settlement of the China Incident, or after an
4 impartial peace will have been established in the Far
5 East."

6 VV-106. On cross-examination^{a.} when informed
7 that the decision was that there would be no with-
8 drawal until peace between China and Japan had been
9 come to, he replied that he thought peace and the
10 withdrawal of troops are one and the same thing.

11 VV-107. He stated further on cross-examina-
12 tion^{a.} that he did hear that a decision to withdraw
13 the armed forces from China to make the negotiations
14 successful had certain qualifications attached to that
15 withdrawal but it was also decided that, depending on
16 the progress of the Japanese-American negotiations,
17 those conditions could be changed.

18 VV-108. The prosecution submits that the
19 willingness of SUZUKI to serve in the TOJO Cabinet leads
20 to the irresistible conclusion that he was willing to
21 plunge Japan into war, a conclusion which is supported
22 by his subsequent conduct.

23 24 VV-106. a. T. 35312.
25 VV-107. a. T. 35310.

8. THE IMPERIAL CONFERENCES.

VV-109. Whatever doubt may exist as to SUZUKI's attendance at the Imperial Conference of 2 July 1941, he does not deny that he attended the Imperial Conference of 6 September 1941, 5 November 1941, and 1 December 1941.^{a.} The decisions made at those conferences have been fully discussed in the General Summary of the case for the prosecution. It is enough to say that SUZUKI cannot escape from assuming his share of the responsibility attaching to the decision made at these conferences which includes the decision for war on 1 December 1941.^{b.}

9. THE DECISION FOR WAR.

VV-110. SUZUKI states that the determination to continue the Japanese-American negotiations was nullified by the American reply of 26 November. He heard the Foreign Minister explain that the reply was tantamount to an ultimatum and being told that it constituted virtually an ultimatum he could not but sense that war with America might be unavoidable.^{a.}

VV-111. He was directed, he states, to attend the conference between the government and Senior

VV-109. a. Ex. 1107, T. 10140; T. 35236.

b. T. 36080.

VV-110. a. T. 35223.

1 Statesmen on 29 November and to answer such ques-
2 tions as might be put to the government regarding
3 national economic strength. a. He was asked questions
4 by Admiral OKADA regarding shipbuilding capacity and
5 airplane production and by another questioner regard-
6 ing the supply of steel. b.

VV-112. SUZUKI attended the meeting of the
7 cabinet on 1 December before the Imperial Conference
8 when TOJO said that war with America was unavoidable
9 and the army and navy will turn to war operations.
10 However, TOJO stated, as related by SUZUKI, when
11 we see a definite chance for success in negotiations,
12 the war operations will be immediately suspended and
13 the government will turn to negotiations.
14

VV-113. SUZUKI agreed with the decision
15 believing that this was unavoidable as long as Japan
16 had an American ultimatum. c.

VV-111. a. T. 35223. b. T. 35224.
25 VV-113. a. T. 35225.

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VV-114. The Imperial Rescript for war ^{a.} was
1 signed by SUZUKI who stated ^{b.} that it was certainly
2 not what he desired but he thought that the opening
3 of hostilities was unavoidable for defensive purposes
4 so long as an ultimatum had already been delivered
5 and Japan was placed in a position liable to be
6 militarily attacked at any moment.

VV-115. He states in his affidavit ^{a.} that
8 vis-a-vis Great Britain and the United States, which
9 he regarded as militarily one and inseparable, he
10 was convinced that Japan should keep on the most friendly
11 terms and that Japan should never make them an enemy
12 unless indeed Japan was militarily attacked or placed
13 under an immediate menace of attack.

VV-116. When asked on cross-examination
16 where he expected to be attacked he replied ^{a.} that
17 they did not know where but at the time Japan's national
18 economy had been seriously disrupted and hearing that
19 Japan had been given an ultimatum, he felt they could
20 not be sure when they would be attacked.

VV-117. SUZUKI says ^{a.} that the final note
22 to America was not discussed at any Liaison Conference
23 or Cabinet meeting that he attended. He never knew
24

VV-114. a. Ex. 1240, T. 10,685 b. T. 35,246

VV-115. a. T. 35,190

VV-116. a. T. 35,313

VV-117. a. T. 35,315

about any note being sent; he did not sign it and did
1 not know its contents until after it was delivered.

2 VV-118. He goes on to say^{a.} that once
3 the decision that war was unavoidable had been reac
4 t all these more or less technical matters were left
5 to the Foreign Minister to do on his own responsibility
6 in such a way that all proceedings would be in
7 accordance with International Law and therefore he
8 did not have much interest in these matters.

9
10 VV-119. When asked on cross-examination^{a.}
11 what took place with respect to a note to Great Britain
12 he said that he felt that even to the United Kingdom
13 a note would naturally be sent and if such a note were
14 not sent there would be ample reason why it was not.
15 Therefore, he did not concern himself with it.

16 VV-120. He says^{a.} that he does not know
17 why no note was sent to the United Kingdom. He recalls
18 very faintly that after the outbreak of war this
19 matter came up for discussion and the Foreign Minister
20 explained that since Great Britain was one with the
21 United States there was no necessity to send such a
22 note because the note would be automatically made
23 known to Great Britain.

25 VV-118. a. T. 35,315

VV-119. a. T. 35,315

VV-120. a. T. 35,316

VV-121. He admitted that he knew that
1 Great Britain was a sovereign state and had an
2 ambassador in Tokyo and Japan had an ambassador in
3 London but he had no interest whatsoever in such
4 matters and did not concern himself with it.
5

VV-122. He added ^{a.} that after having
6 heard all the evidence that he has been presented
7 on this matter before the Tribunal, he felt that
8 from his own point of view he would certainly have
9 sent a note to Great Britain.
10

VV-123. On cross-examination ^{a.} SUZUKI
11 denied that he knew the hour, place or date for
12 opening hostilities or that the task force had sailed
13 for Pearl Harbor. The first time he learned of the
14 attack was on the morning of December 8. He had gone
15 at 6:30 a.m. to the Cabinet office to attend a Cabinet
16 meeting and was then told by the Chief Secretary of
17 the Cabinet HOSHINO and learned for the first time that
18 hostilities had commenced. ^{b.} It was after the conclusion
19 of the war at some prison that the Navy Minister said
20 something to the effect that the fleet had sailed
21 one or two weeks before the commencement of hostilities
22 ^{c.} but he is not too sure what was actually said to him.
23

VV-122. a. T. 35,317
VV-123. a. T. 35,314
" b. T. 35,226
" c. T. 35,314

VV-124. Whether or not, owing to his
1 disinterest, SUZUKI was unaware of the contents of
2 the final note to the United States, or of the plans
3 for the commencement of hostilities on 8 December
4 1941, the prosecution submits that he cannot escape
5 responsibility for the decision to wage an aggressive
6 war contrary to the principles of International Law.
7 His explanation for the failure to notify the United
8 Kingdom of the commencement of hostilities is, in
9 the submission of the prosecution, unworthy of
10 consideration.

11
12 10. PRISONERS OF WAR.

13 VV-125. In his affidavit SUZUKI refers to
14 a. This document entitled
15 "The Employment of War Prisoners" is contained in
16 the Foreign Affairs Monthly Report of September 1942,
17 and was published by the Foreign Section of the Police
18 Bureau of the Home Ministry.

19 VV -126. The defense witness KAMAYAMA, a
20 a. Director in the Planning Board states that the
21 meeting referred to in the document was not held
22 under the auspices of the Planning Board but under
23 the auspices of the P.O.W. Information Bureau for

24
25 VV-125. a. Ex. 1971-A, T. 14,505
VV-126. a. T. 35,164

which purpose the Planning Board merely lent its
1 conference room. SUZUKI in his affidavit supports
2 this contention and goes on to say that the planning
3 Board had not the slightest authority concerning
4 the treatment of P.O.W.

VV-127. An examination of the document
5 itself discloses that at the conference certain
6 principles were discussed and decided upon among
7 them being, that P.O.W. shall be transferred to Japan
8 to mitigate the labor shortage and to carry out special
9 important work. Of the industries in the National
10 Mobilization Plan, war prisoners shall be employed
11 for mining, stevedoring and engineering and construction
12 work for national defense. For the time being war
13 prisoners shall be employed in stevedoring in important
14 ports.

VV-128. The document also refers to the
17 fact that P.O.W. have been employed in Japan for
18 stevedoring to speed up the transportation of materials
19 in wartime with satisfactory results.

VV-129. On cross-examination^{a.}, SUZUKI
21 admitted that the Planning Board had authority over
22 and was concerned with the supply of and the demand
23

VV-126. b. T. 35,247

VV-127. a. Ex. 1971-A, T. 14,505

VV-129. a. T. 35,319

for labor in Japan. In part that labor power was
1 supplemented by P.O.W. The labor of the P.O.W. was
2 not limited, he says, to the transportation of
3 munitions alone but was utilized for the purpose
4 of facilitating transportation generally.
b.

VV-130. The prosecution submits that while
the Planning Board is not directly concerned in the
treatment of war prisoners, enjoying as it did authority
over the supply and demands of labor in Japan, the
Board must assume its share of the responsibility for
the employment of war prisoners on work directly
connected with the prosecution of the war and contrary
to the Hague Convention.

VV-131. On 17 May 1942, Ott recommended
to the German Government that certain Japanese be
decorated who have made important contributions to
German -Japanese cooperation and to the joint waging
of war and who at the same time occupy key positions
in the Japanese Army or Government. Among those so
recommended was SUZUKI, who was described as controlling
economic planning in Japan as well as the organization
and administrative construction in the southern territories.
a.

VV-132. On the strength of this great
authority, Ott continues, his connection with the Army

VV-129. b. T. 35,220

VV-131. a. Ex. 1272, T. 11,353

1 and his personal relations with TOJO and SUZUKI, has
2 created a position for himself that can be labeled
3 as a kind of Vice Chancellorship. This is shown by
4 his order of rank in the Cabinet at official functions
5 and although he was formerly ambiguous in his attitude
6 towards Germany, SUZUKI has especially recently
7 supported cooperation with Germany and had an
8 important share in the decision of Japan's entry into
9 the war.

10 a.
11 VV-133. In his affidavit SUZUKI states
12 that he never knew that he was called Vice Chancellor,
13 that the order of rank at official events was determined
14 by court procedure and that there was no special personal
15 intimacy between TOJO and himself such as had existed
16 between KONOYE and himself. He declined the invitation
17 to the investiture.

18 a.
19 VV-134. SUZUKI was decorated by the
20 Japanese Government for his services in the Manchurian
21 Incident and for his services in the China Incident.
22 In his affidavit he states that these decorations
23 were conferred on all Colonels and Major-Generals
24 in active service without any special merit.

25 12. RESIGNATION ON 8 OCTOBER 1943

VV-133. a. T. 35,348-9
VV-134. a. Ex. 126, T. 787

VV-135. At the request of TOJO he left
1 the Cabinet and resigned the Presidency of the Planning
2 Board on 8 October 1943.

VV-136. Prior to this in April 1943 he had
4 a.
been appointed Administrative Inspector, his duties
5 being to ensure that production increases were made
6 by inspecting the various factories and conditions
7 in them and to take the steps necessary to increase
8 production.

VV-137. In December 1943 he was appointed
10 a.
Economic Adviser to the Cabinet and in September 1944
11 Chief of the Great Nippon Industry Patriotic Association.

13 (The following portions of the trans-
14 cript, not read, were copied as follows:)

VV-138. To sum up, it is submitted that the
15 defendant SUZUKI is guilty as charged under the
16 conspiracy counts 1 to 5, inclusive, of the Indictment.
17 It has been shown in evidence that as early as 1932
18 he participated in the overall conspiracy charged in
19 Count 1 and the evidence of his subsequent activities
20 as a member of the Bureau of Military Affairs, as Chief
21 of the Political Section of the China Affairs Board,
22 as President of the Planning Board and as a Cabinet
23

25 VV-135. a. T. 35,323
VV-136. a. T. 35,322
VV-137. a. T. 35,323

Minister makes it clear that he is also guilty under
1 Counts 4 and 5. In addition, the evidence of his
2 activities in China establishes his guilt under
3 Counts 2 and 3 in respect of conspiracies relating to
4 China.
5

VV-139. Counts 6 to 17, inclusive, of the
6 Indictment relate to the planning and preparation
7 for aggressive war. It is submitted that being a
8 defendant who joined the overall conspiracy as early
9 as 1932, and as his subsequent actions show did not
10 withdraw from the conspiracy, he is guilty of all
11 planning and preparing for war subsequent to that
12 date and is guilty under all of the Counts 6 to 17
13 inclusive. In addition to planning and preparing this
14 overall program for aggressive war there is direct
15 evidence that as President of the Planning Board and
16 a Cabinet Minister, SUZUKI planned and prepared the
17 aggressive wars referred to in Counts 6 to 17, inclusive,
18 and is guilty as charged under those counts.
19
20

Counts 18 to 26, inclusive, relate to
21 initiating aggressive wars. SUZUKI is not charged
22 under Counts 18 and 23 of this group. It is submitted
23 that there is direct evidence that SUZUKI is guilty
24 of initiating the war of aggression as charged under
25 Counts 20, 21, 22 and 24 and that in addition he is

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guilty as charged under Counts 19, 25 and 26 as an
1 accomplice instigator and accessory by reason of his
2 guilt in planning and preparing the wars of aggression
3 referred to in the said Counts 19, 25 and 26.
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1 It is also submitted that the evidence of the
2 activities of SUZUKI in the appointments and offices
3 held by him and referred to above, show SUZUKI to be
4 guilty of waging aggressive war under Counts 27 to 32,
5 inclusive, and Counts 34 to 36, inclusive. This defend-
6 ant is not charged under Count 33. In addition he is
7 guilty under Counts 28 to 32 and 34 to 36 because the
8 evidence established that he was a person guilty of
9 initiating the wars referred to in those Counts.
10

11 The defendant SUZUKI is charged under Counts
12 37 to 47, inclusive, and Counts 51 and 52 of the
13 offenses contained in Group II of the Indictment relat-
14 ing to murder. It is submitted that being a Cabinet
15 Minister during a part of the period mentioned in the
16 Count, SUZUKI is guilty under the conspiracy Counts 37
17 and 38 which therefore establishes his guilt under Counts
18 39 to 43, inclusive. With regard to the remaining Counts
19 in this group with which SUZUKI is charged, i.e., Counts
20 45 to 47, inclusive, and 51 and 52, it is submitted that
21 the defendant is guilty as charged under these Counts by
22 reason of the fact that the evidence establishes that he
23 was a person who planned and prepared to commit the
24 offenses charged under those Counts.
25

The remaining Counts in the Indictment 54 and
1 55 are contained in Group III and relate to conventional
2 war crimes and crimes against humanity. While there
3 is no evidence that the defendant SUZUKI was directly
4 concerned with the treatment of prisoners of war, it is
5 submitted that prisoners of war are in the power of the
6 hostile government and not of the individuals who cap-
7 ture them and their treatment becomes the responsibility
8 of that government and the Ministers of State who com-
9 prise that Government, which includes the defendant
10 SUZUKI. It is also submitted as a Minister of State in
11 the Japanese Cabinet he is guilty of the conspiracy
12 charged under Count 54 and with responsibility for the
13 violation of the laws of war as charged under Count 55.
14 He has an additional responsibility in that as has been
15 shown by the evidence, the Planning Board at the time
16 the defendant SUZUKI was President was instrumental in
17 allocating prisoners of war to work which was directly
18 connected with the operation of the war. In the result,
19 it is submitted that the defendant SUZUKI is guilty as
20 charged.

23 BRIGADIER NOLAN: With the permission of the
24 Tribunal, I will ask leave to present Mr. Robert M. Vote
25 of the Bar of Colorado, now a member of the prosecution
staff, who will read the summary of the case against the

defendant TOGO.

1 Mr. Vote.

2 THE PRESIDENT: Mr. Vote.

3 MR. VOTE: TOGO, Shigenori.

4 WW-1. The accused TOGO, Shigenori, is
5 charged in Counts 1-17, 20-22, 24, 26-32, 34, 36-43, 51,
6 54, and 55 of the Indictment. In addition he is named
7 in Counts 25, 35, 44, and 53. As to Counts 25 and 35,
8 a.
9 the prosecution applied and the Tribunal granted that
10 the charges therein made against this defendant be
11 b.
12 stricken from the Indictment on 24 January 1947. As
13 to Counts 44 and 53, the charges set out therein will
14 not be pressed by the prosecution against any of the
15 defendants.

16 WW-2. The evidence introduced by the prosecu-
17 tion against this accused is almost exclusively docu-
18 mentary, consisting of official records of the Japanese
19 and, for a small part, the German Government, as well as
20 a number of radio telegraphic messages sent by the Japa-
21 nese Government and intercepted at the time by the Allie
22 Powers. Against this the defense evidence has based it-
23 self mainly on the statements of a large number of wit-
24 nesses and the lengthy testimony of the accused himself.
25 Most of these witnesses were the accused's immediate

(WW-1. a. T. 15827.
b. T. 16120.)

1 subordinates, colleagues or superiors during the period
2 of time covered by the Indictment. The principal wit-
3 ness called on his behalf by the defense was Foreign
4 Ministry Bureau Chief YAMAMOTO, who was the accused's
5 righthand man in the fateful months leading up to the
6 outbreak of the Pacific War and who assisted the accused
7 in the Liaison Conferences in which the Japanese plans
a.
8 were discussed and the final decisions were made.

9 A great part of the evidence introduced on be-
10 half of this accused is aimed at explaining the motives
11 for many of his actions and at putting a specific inter-
12 pretation on the documentary evidence submitted by the
13 prosecution. In this respect we contend that most of
14 this documentary evidence is clear and unambiguous and
15 should be allowed to speak for itself. In addition the
16 defense has offered evidence concerning many actions of
17 the accused which are not related to any evidence intro-
18 duced by the prosecution. This evidence was presumably
19 offered to counter the conspiracy charges. With respect
20 to this it is respectfully urged that even if this
21 defense evidence should be taken as conclusive, all it
22 establishes -- if that -- would be that the accused did
23 not at all times actively participate in furthering the
24 conspiracy either because his official position, or lack
25 (WW-2. a. T. 25908.)

1 of position, did not enable him to do so or because he
2 temporarily disagreed with certain actions taken by the
3 other conspirators. His active participation in fur-
4 therming the conspiracy at other times, however, and
5 therefore his promoting of the general objectives of
6 the conspiracy are not countered by this and cannot be
7 explained away in this manner.

8 WW-3. The accused TOGO was born in 1882 and
9 on graduation from the University entered the Japanese
10 diplomatic service in 1912. From then on until he
11 assumed the important position as Director of the
12 European-American Bureau of the Foreign Ministry in
13 early 1933 his career was a routine one in the various
14 minor posts of the diplomatic service. During this time
15 he served in Germany from 1920-1923 and from 1929-1932.
16 From 1925 to 1929 he was assigned to the Japanese Em-
17 bassy in Washington. These various posts afforded him
18 ample opportunity to acquaint himself thoroughly with
19 both countries, the one later to be Japan's main ally,
20 the other, her principal adversary in her aggression
21 a.
22 against the Western Powers.

23 WW-4. On 1 February 1933 the accused was
24 appointed Director of the European-American Bureau of
25 the Foreign Ministry and, according to his own testimony
(WW-3. a. Ex. 127, T. 787-8; Ex. 3612, T. 35385.)

assumed his duties in early March of that year. Japan
1 was just then withdrawing from the League of Nations
2 and one of his first duties in his new function was the
3 making of an extensive study of Japan's future foreign
4 policy with regard to European and American countries,
5 now that Japan, as a result of her aggression in Man-
6 churia and the subsequent condemnation of this action by
7 the League of Nations had to a certain extent isolated
8 a.
9 herself from the community of nations. The accused
10 asserts that this study which was officially submitted
11 to Foreign Minister UCHIDA by the middle of April, 1933,
12 represented his basic ideas as to the foreign pol- cy to
13 be followed by Japan, then and later, and that through-
14 out his further career he strove for the fulfillment of
15 b.
the recommendations set out in this study.

Against this it must be stated that the position
17 in which Japan was placed at that time was a peculiar
18 one. Japan had been condemned as an aggressor by all
19 other civilized nations. She had no allies and could
20 expect no assistance but only strenuous opposition in
21 any further aggressive ventures which she might under-
22 take. World conditions were comparatively stable;
23 Hitler had only just come to power in Germany and his
24 (WW-4. a. T. 35629.
25 b. Ex. 3609-A, r. 35362; 35630.)

future foreign policy had not yet taken shape. The
1 most natural, the only course open to Japan at this
2 time was to achieve a measure of appeasement with the
3 other powers while hanging on to the fruits of her
4 aggression and while strengthening her national power by
5 the development and exploitation of the newly-conquered
6 territory. This is exactly the recommendation made by
7 the accused in his study. Japan should make it clear,
8 he stated, that she entertained no territorial ambitions
9 ^{c.} outside Manchukuo, the course which she should follow
10 was to pursue her Manchurian and Mongolian policies and
11 in the meantime keep friendly relations with other
12 powers until these regions had been developed and Japan
13 had established a firm footing on the continent of Asia.
14 While this was being done Japan should avoid troubles
15 ^{d.} and not launch herself on a reckless adventure.

17 THE PRESIDENT: We will recess for fifteen
18 minutes.

19 (Whereupon, at 1445, a recess was
20 taken until 1500, after which the proceed-
21 ings were resumed as follows:)

23
24
25 (WW-4. c. Ex. 3609-A, T. 35476.
d. Ex. 3609-A, T. 35365; T. 35478;
Ex. 3609-A, p. 25 (not read).)

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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

MR. VOTE: By this recommendation the accused
put himself squarely behind the Japanese policy of
aggression in Manchuria and of bringing that region
under the complete domination of Japan. The study
admits that the much pleaded Russian danger had no
relation to Japanese aggression in Manchuria. It
states that the Soviet attitude toward Japan had in
the past been conciliatory, that even if the Soviet
Union should abandon her peace policy, her efforts
would be directed towards Western Europe rather than
towards Japan,^{e.} that the Soviet Union was afraid of
Japan and not Japan of the Soviet Union and that the
menace of Bolshevism which Japan pleaded to justify
her advances into Manchuria had become such a common-
place that it was doubtful to what extent that explan-
ation appealed to world opinion.^{f.} If Japan succeeded
in the development of Manchukuo her position vis-a-vis
the Soviet Union would become very favorable. There-
fore, it would be advisable to conclude a non-aggression
pact with that nation now.^{g.} A conflict with the
Soviet Union should be avoided unless Japan could make

WW-4.

e. Ex. 3609A, p. 17 (not read)

f. Ex. 3609A, p. 19 (not read)

g. Ex. 3609A, p. 22 (not read)

1 a common front with Great Britain and the United
2 States. As it was clear, however, that the Soviet
3 Union was making efforts to avoid such an occurrence
4 Japan, should, in case of war, stand alone and be
5 condemned as an aggressor.^{h.}

6 The policy as recommended here, although
7 advocating temporary peace, would obviously fit the
8 purposes of the most strenuous advocates of aggression.

9 WW-5. By the year 1936, the accused mean-
10 while having become Director of the European-Asiatic
11 Bureau of the Foreign Ministry after the European-
12 American Bureau had been dissolved on 1 June 1934,^{a.}
13 the world situation had undergone considerable changes
14 since the accused had made his study of international
15 relations in 1933. Germany had risen to power in
16 Europe and had, like Japan, left the League of
17 Nations. It was abundantly clear that as the accused
18 had stated in 1933 Great Britain and the United States
19 would not make a common front with Japan against
20 Russia. Germany, however, was only too willing to
21 find herself an ally in Asia to strengthen her
22 position in Europe.

23
24 WW-4.
25 h. Ex. 3609A, p. 25 (not read).

WW-5.
a. Ex. 127, T. 787.

Informal conversations for the conclusion
1 of a pact against Russia between Germany and Japan
2 had been undertaken in 1935 between Ribbentrop and
3 the Japanese Military Attaché in Berlin, the accused
4 OSHIMA. In the spring of 1936 the Japanese Foreign
5 Minister instructed his Ambassador in Berlin to
6 officially ascertain Germany's intentions and desires
7 on this subject. In July an official German proposal
8 was received in Tokyo and taken into consideration by
9 the Japanese Government.^{b.} At the request of the
10 Foreign Minister the accused studied the German pro-
11 posal and submitted his opinion as a basis for dis-
12 cussions between the Foreign Minister and the War
13 Minister. Both ministers agreed with his views and
14 as a result instructions were sent to the Japanese
15 Ambassador in Germany to conduct the negotiations with
16 the German Government accordingly.^{c.} The accused
17 admits his close connection with the conclusion of
18 the pact as Director of the Bureau of the Foreign
19 Ministry which was in charge of the negotiations. He
20 states, however, that he was personally opposed to the
21 conclusion of the pact, it being in his opinion a
22
23
24 WW-5.

25 b. Ex. 477, T. 5914; Ex. 3615, T. 35408-9.

c. Ex. 3266, T. 29883; Ex. 3267, T. 29886-94.

mistake to base international agreements on ideological
1 grounds.^d. This statement ignores the fact that,
2 whateverⁱ may be said of the Anti-Comintern Pact
3 itself, the attached Secret Agreement was clearly not
4 one of ideologies but contained a very concrete
5 alliance against Russia.^e. In addition the study made
6 by the accused, which was accepted as the official
7 Japanese view, makes no mention of any objection to
8 the pact whatsoever. On the contrary, it states that
9 the Soviet Union is menacing Japan, that it is there-
10 fore necessary in order to smoothly carry out Japan's
11 policy toward the continent, to make common cause
12 with some other nation against the Soviet Union and
13 that it is appropriate and easy to choose Germany
14 for that purpose as both Germany and Japan had similar
15 standpoints in regard to the general international
16 situation. The pact should therefore be concluded
17 but caution should be exercised so as not to bring
18 about a war with the Soviet Union. In addition some
19 advances should be made towards Great Britain as the
20 new pact would undoubtedly antagonize her and a head-
21 on clash with her should be avoided.^f.

The accused asserts that the above study

24
25 W7-5. d. T. 35643-4.

e. Ex. 480, T. 5936-7.

f. Ex. 3267, T. 29,886-94.

represents his opinion only "to a certain extent"
as it was drawn up by the Bureau of which he was in
charge.^{g.} In this he is contradicted by the defense
evidence itself which shows that he personally was
the responsible author.^{h.} In this light, his asser-
tions regarding his opposition, no mention of which
is to be found in the document drawn up by him at the
time, cannot be given weight.

He also makes much of the changes in the
text of the Anti-Comintern Pact and the Secret Agree-
ment which were proposed by him and in part incor-
porated in the final agreements.^{i.} It is considered
unnecessary to discuss here the merits of these
alterations. A simple comparison between the pro-
posals made by him and the final texts of the two
agreements should suffice to show of how little
importance they were and how the final agreement was
not thereby in any manner altered in character.

Both the Anti-Comintern Pact and the Secret
Agreement, after having been approved by the Privy
Council at the meeting of which the accused attended
as one of the Government officials directly concerned,
were signed on 25 November 1936 and came into force

W.W.-5.

g. T. 35644.

h. Ex. 3266, T. 29883.

i. T. 35645-7.

the same day.^{j.}

1 WW-6. Any doubts as to the weight of the
2 accused's allegations concerning his opposition to
3 the Anti-Comintern Pact should be dispelled by the
4 fact that he was appointed Ambassador to Germany
5 within a year after the conclusion of the Pact. No
6 government in the world would appoint as its Ambassador
7 to a country with which it had recently concluded a
8 close military and political alliance the very man
9 who, and this is the inference we are invited to
10 draw, had been throughout the strongest opponent of
11 this alliance. Nevertheless, on 27 October 1937,
12 the accused was appointed as Japanese Ambassador to
13 Germany where he arrived on 24 December of the same
14 year.^{a.}

16 At the time that he arrived at his new post
17 the attempts to bring the war between Japan and China
18 to a conclusion through German mediation had been
19 under way for some time. The course of this mediation
20 as well as its outcome -- the declaration by the
21 Japanese Government on 16 January 1938 that it would
22 no longer deal with the Chinese Government -- have

24 WW-5.

25 j. Ex. 485, T. 5968; Ex. 36, T. 5934-5.

25 WW-6.

a. Ex. 127, T. 787-8; Ex. 3612, T. 35385.

been dealt with extensively in other parts of the summation.^{b.} As the mediation was carried out by the German Government through its ambassadors in Japan and China, the accused did for the most part not directly participate in the attempts to reach a settlement.

Nevertheless by his actions and his words he showed clearly his attitude towards Japan's aggression in China, an attitude which is only confirmed by his later activities as Foreign Minister. The Tribunal is reminded that, as has been pointed out elsewhere, there were at that time two lines of thought within the Japanese Government circles. This division of opinion finally resulted in the Imperial Conference Decision of 11 January 1938, which stated that an effort would be made for a settlement of the incident on the basis of specific Japanese terms and only in case this would prove unsuccessful to break with China and continue the war.

It is in this light that the statements of the accused to the German Foreign Minister when he visited him on 10 January 1938 should be considered. He stated that Japan wished for peace and for the

WW-6.
b. Parts E. 54, E. 55.

1 soonest conclusion of hostilities. However, Japan
2 was determined to carry on the war to its bitter end
3 and conditions of peace would become harder as the
4 war continued longer. The Japanese Government no
5 longer considered Chiang Kai-shek as representative
6 of the Chinese Central Government. Japan was still
7 willing to negotiate with him but if he was not
8 willing to accept the Japanese peace conditions
9 Japan would make peace with each of the provincial
10 governors. c.

11 The accused tries to explain the position
12 taken by him then by asserting that the policy of
13 not dealing with Chiang Kai-shek and of fighting the
14 incident to a military conclusion had already been
15 substantially decided upon and that although he had
16 no connection with the formulation of this policy he
17 naturally expressed the views of his Government. As
18 shown above this is incorrect. The policy of the
19 Japanese Government which was yet to receive Imperial
20 sanction was to continue mediation. What the accused
21 did in fact do was to express the desires and plans
22 of those who advocated continuation of the war.
23

24 As it turned out the decision of the Imperial
25 W.I.-6.
c. Ex. 486D, T. 5991.

Conference was never put into execution and only a
1 few days after this decision had been taken, the
2 advocates of continued war brought about the KONOYE
3 statement of 16 January over the strenuous opposition
4 of the Army and the General Staff who stated that
5 they would continue to seek for peace.^{d.}

6 WW-7. The accused's position in relation
7 to Japan's aggression towards China during this
8 period is also clearly shown in the negotiations which
9 took place with Germany concerning German-Japanese
10 cooperation in the exploitation of China. In his
11 own testimony the accused attempts to make it appear
12 that efforts to reach agreement in this respect were
13 started by Germany in May 1938 and that he, being
14 opposed to such an agreement, did his best to thwart
15 these efforts, even going so far as not to follow,
16 or at least, freely interpret the express instructions
17 of his government.^{a.}

19 The facts, however, are different. As early
20 as his previously mentioned conversation with the
21 German Foreign Minister on 10 January 1938, it was he
22 who brought up this same subject and stated that Japan
23

WW-6.

24 d. Parts E56, E57; Ex. 486I, T. 6016.

25 WW-7.

a. T. 36656; Ex. 2228A, T. 15982.

had great interest in working hand in hand with
1 Germany in China's economic development.^{b.} A few
2 weeks later, on 28 January, he brought up the same
3 subject and stated that the time would soon come to
4 start conversations about German cooperation with
5 Japan in the new China which was to be constructed.^{c.}
6 At that time at least there had been no approach from
7 the German side, which, if it came at all, was made,
8 according to his own testimony, a full four months
9 later. Nor is there any evidence to show that he
10 had had any instructions from the Japanese Government.
11

12 It is correct that in the negotiations on
13 this subject, which took place in Berlin in June
14 and July 1938, it proved impossible to reach an
15 agreement. On 29 June, the accused visited the German
16 Foreign Minister and presented to him a memorandum
17 setting out the Japanese point of view. The memoran-
18 dum stated that it had been recognized that Japan
19 and Germany must cooperate economically in China in
20 the spirit of the Anti-Comintern Pact, and that the
21 Japanese Government was prepared to consider
22 Germany particularly benevolently in her economic
23 activities in China.^{d.} In the further discussions

25 WW-7.

b. Ex. 486D, T. 5991.

c. Ex. 4861, T. 6016.

d. Ex. 591, T. 6585; Ex. 592, T. 6588.

two main difficulties arose. In the first place
1 Germany wanted to have the agreement deal only with
2 the Japanese-occupied areas of North China, while
3 the accused insisted that the agreement should cover
4 the whole of China because, he stated, the Japanese
5 Government intended to extend its influence over
6 all of that country. On the other hand Japan was not
7 prepared to grant Germany the preferential treatment
8 which Germany desired.^e. That Japan was not prepared
9 to allow any nation, even her ally, Germany, to in-
10 fringe upon the monopoly Japan was trying to create
11 for herself in China is not denied. This point was
12 clearly recognized by the Germans themselves. In
13 further discussions concerning the proposed agreement,
14 they complained that not only were the Japanese pro-
15 posals unsatisfactory but that in fact the Japanese
16 authorities in North China were eliminating all
17 foreign trade, including Germany's, and that this could
18 not but give Germany the impression that the Japanese
19 economic policy in North China aimed systematically
20 at a Japanese monopoly to the exclusion of others.^f.
21 That they were correct in this supposition has been
22 clearly shown by the evidence in this case. The
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WW-7.

e. Ex. 593, T. 6591.

f. Ex. 594, T. 6597; Ex. 595, T. 6603.

1 differences of opinion between Japan and Germany
2 could not be settled and the proposed agreement was
3 never concluded. Nevertheless, these negotiations
4 show clearly Japan's ultimate aim in her aggression
5 against China which was clearly expressed by this
6 accused, who apparently saw nothing strange in the
7 fact that Japan should decide what the rights and
8 interests of third countries in China were to be.

9 WW-8. It is not contended by the prosecu-
10 tion that this accused took any part in the negotia-
11 tions which were carried on during his ambassadorship
12 in Berlin on the subject of strengthening the Anti-
13 Comintern Pact.

14 WW-9. The accused was appointed Ambassador
15 to the Soviet Union on 15 October 1938 and arrived
16 in Moscow to take up his new position on the 27th
17 of the same month.^{a.}
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WW-9.
a. Ex. 127, T. 787-8;
Ex. 3613, T. 35386.

77-10. On 23 August 1940 the Japanese Government announced that a great number of Japanese foreign representatives, among whom the Ambassadors to the United States, France, Brazil, and Turkey, as well as nineteen ministers and numerous consul-generals and consuls, had been recalled to secure the new Japanese foreign policy introduced by the Foreign Minister, MATSUOKA. Several days later the accused was added to this list and recalled from his position in Moscow. The German Ambassador in Japan reported to his government at the time that it was his opinion that this action was taken to render harmless the exponents of pro-Anglo-Saxon policy. If the accused was recalled for this reason, his recall was not due to the fact that he was not in favor of Japan's policy of aggression but to the fact that, unlike MATSUOKA, he still believed that the aims of the aggression could generally be obtained by measures short of further war. This is borne out by the statement made by Ambassador KURUSU, who, in June 1940, made it clear that for a change from reliance upon the "western Powers to collaboration between Japan and Germany, improvement of Japanese-Russian relations for the duration of the present war was necessary. Both TOGO

77-10. a. Ex. 540, T. 6296
b. Ry. 3613, T. 35,386

and KURUSU were feverishly working for this and it was
1 becoming more and more clear that Japan's future lay
2 in the South and that the enemy in the north must be
3 made a friend.

After his recall, the accused left Moscow
on 20 October 1940 and arrived in Japan on 5 November
of the same year. From then until he became Foreign
Minister in the TOJO Cabinet, he held no official posi-
tion.

10 77-11. On 16 October 1941, Prime Minister
11 KONOYE submitted the resignation of his whole cabinet
12 and subsequently War Minister TOJO was entrusted by
13 the Emperor to form a new cabinet. TOJO was instruct-
14 ed by the Emperor that, instead of following the
15 decision of 6 September he was to undertake a careful
16 re-examination of the whole political situation, both
17 foreign and domestic, in deciding Japan's fundamental
18 policy.
a.

19 77-12. On 17 October TOJO requested the
20 accused to become Foreign Minister in the new Cabinet.
21 Before accepting the post the accused requested a meet-
22 ing with TOJO and was received by him in the evening
23 of that day. TOJO reported to him the general circum-

25 "77-10. c. Ex. 522, T. 6170
d. Ex. 3613, T. 35-386

W-11. a. Ex. 1152, T. 10,285
Ex. 2250 T 16 198

stances then existing. According to the accused he
1 made it clear to TOJO that he would only accept
2 the portfolio of Foreign Affairs if the Army would
3 consent to make considerable concessions in re-exam-
4 ining the Japanese position in the negotiations with
5 the United States, as the negotiations would certain-
6 ly end in a breakdown if Japan's stand was uncompro-
7 mising even on the one subject of the stationing of
8 troops in China. He would refuse to enter the cabi-
9 net unless there was a fair chance for a successful
10 conclusion of the negotiations. In answer to this
11 TOJO assured him that all pending questions would be
12 re-examined but gave no guarantee as to any concessions
13 to be made. Hereupon the accused agreed to enter the
14 a.
15 cabinet.

16 The accused contends that when he accepted
17 this offer, he was insufficiently informed about the
18 then existing situation, as he had been in retirement
19 during the whole preceding year. He testified that
20 he had only vague knowledge of the contents of the
21 decision of the Imperial Conference of 6 September and
22 knew nothing of the Imperial Conference decision of 2
23 July. His statements are contradictory, however, be-
24 cause he also testified that he was well acquainted
25

with the circumstances surrounding the fall of the
1 KONO Cabinet and both he and defense witness YAMAMOTO
2 stated that he requested from Prime Minister TOJO
3 specific assurances that on the several points of the
4 6 September decision a re-examination of Japan's atti-
5 tude would be undertaken, which he could not have
6 b.
7 done had he not known about them.

8 77-13. After accepting the post of Foreign
9 Minister, various people inquired from the accused
10 why he had joined the TOJO Cabinet which was generally
11 considered in Japan to be a war cabinet. That
12 there was little doubt in Japan that the new government
13 was made up of the most uncompromising elements has
14 been testified to by TOGO's own defense witness TOMI-
15 b.
16 YOSHI. This opinion was shared by Ambassador
17 NOMURA in the United States who, immediately upon
18 hearing about the formation of the cabinet, cabled to
19 the new Foreign Minister requesting to be relieved
20 from his post, as he was trusted by the American authori-
21 ties and considered sincere. He did not want to
22 continue deceiving other people and himself and,
23 although he did not want to flee from the field of
24 battle, resignation was in his case the only way open

25 77-12. b. T. 25,939-40; T. 35,670-72
77-13. a. T. 1235, T. 35,524
b. T. 35,528

for a man of honor. This telegram was sent by
1 NOMURA notwithstanding the fact that two days pre-
2 viously the accused had informed him that Japan wished
3 to continue the negotiations, NOMURA apparently having
4 d.
little faith in these assertions. In any event, his
5 request was refused and he continued to represent the
6 e.
Japanese side in the negotiations.

7 W-14. Immediately after the new cabinet
8 had taken office a series of Liaison Conferences were
9 started to decide upon the future course of action
10 to be followed by Japan. The first of these meetings
11 was held on 23 October and from that day onwards
12 conferences took place daily until the night of 1-2
13 November. Towards the end of this period the Liaison
14 Conference sometimes deliberated until deep into the
15 a.
night. The subjects studied at these daily meetings
16 were two-fold. In the first place, it having been
17 ascertained by the previous cabinet that Japan's mini-
18 mum demands decided upon by the Imperial Conference
19 of 6 September had no chance of being accepted by the
20 United States, an agreement was sought on any modi-
21 fication which Japan might make in these demands.
22 b.
In the second place, Japan's total national strength
23 was subjected to a thorough study. In this, main
24

25 W-13. c. Ry. 1161, T. 10,312 W-14.a. Ex. 1163, T.10,315,
d. Ex. 2917, T. 25,920 T. 25,921; T.26,145
e. T. 36,037 b. Ex. 2916, T.25,912,
T. 25,922.

emphasis was laid on Japan's military strength and
Japan's position as regards military supplies, especially oil. The scope of these investigations is clearly seen in exhibit 1328 which gives a comprehensive list of all the problems that came up for discussion. In these investigations the Foreign Minister was charged with studying the following questions:

- 1) The prospects of the European war;
- 2) Developments expected to take place in the North, assuming that Japan would initiate a war in the southern regions sometime in the autumn of 1941;
- 3) The assistance to be expected from Germany and Italy in case Japan started a war with the United States, Great Britain, and the Netherlands;
- 4) The possibilities of attacking Great Britain and the Netherlands only or the Netherlands alone;
- 5) The advantages and disadvantages of postponing the opening of hostilities until approximately March 1942.

As a result of these and other studies and

25 T7-14. c. T. 26,117, T. 24,885-9
d. Ex. 1328, T. 11,923; Tr. 1329, T.11,928

the deliberations of the conferees, the decision of
1 the Liaison Conference of November 1, which was for-
2 mally sanctioned by the Imperial Conference of Novem-
3 ber 5, was reached.

4 W-15. In the defense of this accused, it has
5 been contended time and time again that due to his
6 personal efforts in the Liaison Conference, the strong
7 position taken by Japan as the result of the 6 September
8 Imperial Conference was so modified as to make the Jap-
9 anese proposals more moderate and more acceptable.
10

11 As shown before, the basic Japanese proposal, Proposal
12 b.
13 A, presented no real change in the Japanese proposal
14 c.
15 of 25 September, which in turn contained all the ele-
16 ments of the Imperial Conference decisions of 6 Septem-
17 ber, although clothed in more diplomatic language.

18 It is clear that these changes on which the
19 accused relies most heavily in his defense did not
20 bring any essential difference in the Japanese de-
21 mands as decided upon in the Imperial Conference of
22 6 September. Even if the accused made the efforts as
23 alleged by him it is important to remember that he
24 concurred in the decision as finally made.

25 As regards the second Japanese proposal,

W-14. e. T. 24,885-9; T. 25,922-3;
T. 25,949; Rx. 1168, T. 10,331; Rx. 2926,
T. 25,971

W-15. a. T. 35,697, T. 25,924, T. 35,689
b. Rx. 1246, T. 10,918; Rx. 2925, T. 25,964
c. Rx. 1245, T. 10,282; Rx. 1245F, T. 10,792

e.
1 Proposal B, which according to the defense evidence
2 f.
was completely the accused's own idea, it was entire-
3 ly unrelated to any previous Japanese proposals and
4 was merely intended as a temporary measure. The imme-
5 diate consequences of this proposal would be that Japan
6 would withdraw her troops from the southern part of
7 French Indo-China but that, on the other hand, the
8 United States and the Allied Powers would give her a
9 free hand in her war* with China.

10 w7-16. All these problems referred to above
11 having been studied and discussed in great detail be-
12 tween 23 October and 1 November, the final decision
13 as to the policies to be followed by the new cabinet
14 was taken in the Liaison Conference of 1-2 November.
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24 w7-15. e. Ex. 1245H, T. 10,811
f. T. 33,682; T. 35,689
25 w7-16. a. T. 25,922-3; T. 25,949

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This decision of the Liaison Conference can-
not be seen other than as a qualified decision for war.
The final absolute demands of Japan on the Western
Powers had been decided upon and if these demands
were not to be accepted within a definite period of
time, Japan would attack. To this decision the ac-
cused gave his assent. He qualifies his position in
regard to this decision of the Liaison Conference on
two points. Firstly, he states that Proposals "A"
and "B" were not to be considered as the final Japanese
concessions but that it was the general purport
of these proposals that Japan was interested in. He
states that he considered that an agreement along the
general lines of either of these proposals might well
be reached. In fact, only after Prime Minister TOJO
had assured him that further concessions would be
considered in case the attitude of the United States
was generally favorable, he agreed to the decision
for war in case the negotiations failed. That
Japan would have been willing to make any change on
any essential point in either of these proposals is
directly contradicted by the acts of the conspirators
WW-16.

b. T. 35,697
c. T. 36,060-1; 36,043
d. T. 35,697-8
e. T. 35,697

themselves and by the repeated clear and express
1 instructions from TOGO to his representatives in
2 Washington and by TOGO's own statements to Ambassa-
3 dor Grew. It is also contradicted by TOGO himself
4 and by defense witness YAMAMOTO who stated that it
5 was only after long and vehement discussions that
6 the Liaison Conference could be brought to agree to
7 accept proposals "A" and "B" and they represented
8 the utmost concessions that could be wrung from the
9 military authorities.
10

The second contention of the accused is that
11 he opposed the decision to go to war until the very
12 last moment and only agreed when he had to choose
13 between agreement and resignation from the cabinet.
14 In that case another Foreign Minister would have been
15 brought in who would be less desirous for peace and
16 this would result in a lesser chance of success in the
17 negotiations. By his own admission, however, he
18 could, by refusing to agree to the decision for war
19 and refusing to resign have made agreement impossible,
20 bringing about the fall of the cabinet.ⁱ In addition
21 to this, it is clear that the opposition he showed to
22
WW-16.
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24 f. Ex. 2918, T. 25,925

25 g. T. 35,690, T. 25,948

h. T. 35,696

i. T. 36,110

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the war decision of the Liaison Conference was based
1 on prudence rather than on principle and on the fact
2 that he was not sure that Japan was strong enough in
3 a military way to wage a successful war against the
4 Allied Powers. He, therefore, advocated in the
5 Liaison Conference of 1 November that Japan should
6 be patient and await a changed situation. This is
7 confirmed by defense witness YAMAMOTO, who quoted
8 TOGO as stating that Japan should delay opening war
9 until the United States participated in the European
10 conflict, and by defense witness TANAKA who, discuss-
11 ing the same subject, stated that it was TOGO's
12 opinion that Japan should wait for the opportunity
13 to mature.¹ When he found that the other members of
14 the Conference would not agree with him, he reserved
15 his decision until the next day and deliberated over
16 the whole matter during the night. He finally, how-
17 ever, in spite of his doubts on the subject, came to
18 the conclusion that as far as the prospects of war
19 were concerned, he was in no position to prove that
20 Japan's military strength was insufficient and this
21 led him to give his agreement to the decision on the
22 morning of 2 November.^{II}

25 WW-16.

j. T. 35,690
k. T. 25,949

l. T. 35,543
m. T. 35,695

WW-17. It must be pointed out that this
1 consent was given with full knowledge of all the then
2 existing circumstances. Had the accused not known
3 about Japan's commitments and policies leading up to
4 and after the conclusion of the Tri-Partite Pact,
5 which formulated aggression and expansion in the
6 clearest and most direct terms, he knew about them
7 by this time, for as Foreign Minister his first duty
8 had been to acquaint himself with Japan's inter-
9 a
10 national position. None of these basic policies
11 had been cancelled or in any way amended. It is true
12 that when he entered the cabinet the immediate diffi-
13 culty facing Japan was the negotiations with the
14 United States, Japan's economic position, and Japan's
15 war in China. Nevertheless, these problems cannot
16 be disassociated from what had gone on before. If,
17 on entering the cabinet, TOGO was not aware of the
18 basic policies of the Japanese Government, and we
19 contend that he was, he still by this time was fully
20 informed, as fully informed as the Tribunal is now.
21 He made these policies his own and in the negotiations
22 with the United States defended them and furthered
23 their aims. Finally, he, of his own free will, gave
24
25 WW-17. a. T. 35,675; T. 36,001

his agreement to attack the United States, Great
1 Britain, and the Netherlands, if the Japanese de-
2 mands, which would have enabled Japan to continue
3 her policy of aggression, would not be agreed to.
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WW-18. A decision having been reached to
which both Government and High Command had agreed,
the next step to take was to lend this policy offi-
cial sanction by having it confirmed by the cabinet
and the Imperial Conference. This was done and on
5 November 1941 the Imperial Conference took place
and the decisions previously agreed to received Im-
perial sanction.
a

WW-19. The final decisions having been
taken and the accused having assented to them, he be-
came, during the following month, the main figure in
furthering the aims of the conspiracy. Personally
directing Japan's diplomatic maneuvers, he made the
strongest efforts to hide the fact that if the de-
mands then presented were not accepted, Japan would
immediately take recourse to further aggression. On
2 November and again on 4 November, he informed
NOMURA that agreement had been reached in the Liaison
Conference on Japan's fundamental policy and on the
proposals to be submitted to the United States. The
present negotiations were to be Japan's final effort
and the proposals were truly the last. No further
delays were possible as there was a limit to Japan's
WW-18.

a. Ex. 1168, T. 10,331;
Ex. 2926, T. 25,971

forbearance, and her existence and prestige must be
1 protected however great the price. Immediately
2 after the Imperial Conference, the negotiations
3 should be resumed and a decision should be reached
4 at once. NOMURA was to abide strictly by his in-
5 structions and would have no room for discretion.
6 The same day, 4 November, he sent NOMURA the text of
7 the Japanese proposal, which was to be approved by
8 the Imperial Conference the next day. As regards
9 the period during which Japanese troops would remain
10 stationed in China, NOMURA was not to mention this
11 and only in case the United States inquired, should
12 he state vaguely that this period would be approxi-
13 mately 25 years. The accused asserts that this was
14 done because he still hoped for moderation of the
15 Japanese proposal on this point and, therefore, wanted
16 to come to a general agreement with the United States
17 by stressing the fact that the stationing of troops
18 would neither be permanent nor for an indefinite
19 period rather than state a definite time limit. As
20 it is clear, however, that in practice the stationing
21 of troops for an indefinite period and the stationing
22 for a period of approximately 25 years are much the
23 same thing.

24 WW-19.

25 a. Ex. 1163, T. 10,315;
Ex. 2924, T. 25,960

same, he must have preferred his Ambassador to stress
vague generalities instead of showing clearly that
there was no concession from the Japanese side on
this point at all. He finally instructed NOMURA to
obtain assurances in advance that Great Britain and
the Netherlands would carry out the stipulations of
Proposals "A" or "B," if either was accepted by the
United States.

WW-20. The day before, on 3 November, the accused had sent for Ambassador KURUSU and requested him to go to the United States to assist Ambassador NOMURA in expediting negotiations. The defense has introduced evidence to show that the decision to send KURUSU to the United States was not made to deceive the American Government and to gain time for military preparations while continuing negotiations. However, in view of the fact that KURUSU could not, and in fact did not, arrive in Washington until a very few days before the final deadline set for the negotiations, it remains an open question what other purpose his journey could have had. The witness TANAKA has related to the Tribunal how the day after war had

WW-19. b. Ex. 2925, T. 25,964
b. Ex. 2956, T. 26,098

WW-20. a. T. 25,952-9
b. Ex. 2942, T. 26,032

broken out the accused MUTO, who like the accused
1 TOGO had attended all the Liaison Conferences, con-
2veyed to TANAKA that the dispatch of KURUSU to the
3 United States had been nothing more than a camou-
4 flage of the events leading up to hostilities.^c The
5 same idea seems to have arisen in the minds of other
6 Japanese, as TOGO's own defense witness TOKIYOSHI
7 stated that when he heard about the dispatch of An-
8 bassador KURUSU he had asked the accused if this was
9 a trick to deceive the United States.^d The accused
10 assured him that this was not so, but he could hard-
11 ly do otherwise under the circumstances. It is true
12 that NOMURA had previously requested that somebody
13 be sent to assist him, but this request was made,
14 without result, when there was still sufficient time
15 for negotiations.^e

17 WW-21. On 5 November, the accused informed
18 NOMURA that the Imperial Conference had approved
19 Proposals "A" and "B." NOMURA should now submit
20 Proposal "A" to the United States and only if that
21 was rejected present Proposal "B," but not without
22 previously requesting instructions. He impressed

24 WW-20. c. T. 15,871
d. T. 35,524; T. 35,531
25 e. Ex. 2921, T. 25,952
Ex. 2922, T. 25,953

NOMURA once again that these were the final proposals
1 and that delays in the negotiations were not to be
2 allowed. All arrangements for signing an agreement
3 with the United States should be completed by 25
4 November. Nevertheless NOMURA should avoid making
5 an impression of setting a time limit or of serving
6 a
7 ultimatum.

This date of 25 November was chosen by the
8 accused himself, as it had been decided that the
9 negotiations would not be continued beyond the end
10 of November and he considered that four or five days
11 would be needed after agreement had been reached to
12 sign a formal agreement.
13 b

On 7 November, NOMURA visited Secretary of
14 State Hull and handed his Proposal "A." At the same
15 time he gave him an initial explanation. On 10
16 November, Ambassador NOMURA explained the Japanese
17 proposal further to President Roosevelt, while the
18 same day Foreign Minister TOGO received Ambassador
19 Grew to acquaint him personally with the Japanese
20 point of view. He stressed that the situation was
21 e daily becoming more difficult and further protracted
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WW-21. a. Ex. 1171, T. 10,346; Ex. 2926, T. 25,971

b. T. 36,099-100

c. Ex. 2923, T. 25,986; Ex. 1246, T. 10,918

d. Ex. 2927, T. 25,974

e. Ex. 2918 T. 25,929-37

1 delays were impossible and that he hoped that the
2 United States would understand that Japan, if ex-
3 posed to this economic pressure any longer, might
4 have to resort to self-defense. Japan had been en-
5 gaged in hostilities for four years and was not pre-
6 pared to give up the fruits of these hostilities.

7 WW-22. On 11 November, the accused received
8 the British Ambassador and told him that Japan had
9 submitted her final proposal and had tried to make
10 this clear to the United States. Japan had submit-
11 ted the maximum concessions she was prepared to make
12 and if the United States refused to accept these, it
13 would be useless to continue. As a result of this
14 conversation, TOGO cabled NOMURA that it was unfor-
15 tunate that the United States Government still
16 treated the negotiations as being in the preliminary
17 stage and that NOMURA must make them realize that the
18 Japanese proposals were final. The next day, 12
19 November, the accused informed his ambassadors in
20 foreign countries about the progress of the negotia-
21 tions. He stated that it was doubtful whether an
22 agreement could be reached and as further concessions
23 on the part of Japan were out of the question, it was
24 impossible to take an optimistic view and the situation

WW-22. a. Ex. 1174, T. 10,356-60

night take a sudden turn for the worse.^b

WW-23. In the meantime the Cabinet and Liaison Conference, of which the accused was a member, continued to take further measures in preparation for war. On 4 November, the cabinet decided on a policy for guiding public opinion in view of the tenseness of diplomatic relations with the United States and Great Britain. News and speeches which would enable the enemy to perceive Japan's war preparations and strategic activities would be banned. ^a The Liaison Conference during November convened less frequently than before and met only five or six times. ^b On 11 November, the Conference laid down further policies for the conduct of the prospective war ^c and adopted a draft of reasons to be alleged for the opening of hostilities, asserting that war had been forced upon Japan by Britain and ^d the United States. On 13 November, another Liaison Conference was held during which the measures to be taken at the outbreak of war decided upon at the Imperial Conference of 5 November were once again

WW-22. b. Ex. 3836, T. 38,070-1

WW-23. a. Ex. 1167, T. 10,330

b. T. 26,145

c. Ex. 919, T. 9261

d. Ex. 1175, T. 10,362

reviewed and discussed in greater detail.^d On 20
1 November the Liaison Conference decided upon the
2 administration which Japan would introduce in the
3 southern territories which were to be occupied
4 shortly.^f

WW-23a. TANAKA, Shinichi testified that it
6 was decided around the middle of November that in the
7 event of the outbreak of war against the United States
8 and Britain, Japan should avoid entering into a state
9 of war against the Soviet Union and an effort should
10 be made to effect a reconciliation between Germany
11 and the Soviet Union.^a This testimony, wholly un-
12 supported by any documentary evidence, if it has any
13 basic foundation in fact at all, is further proof
14 that the Japanese Government did not consider that
15 the time had yet arrived for the execution of the
16 ultimate designs of the conspirators against the USSR.
17 In substantiation of the fact that military operations
18 against the USSR were purely a matter of timing, it was
19 agreed at a Liaison Conference in the latter part of
20 November that if war with Russia broke out, which
21 was not impossible, Japan would occupy the Russian

24 WW-23. e. Ex. 678, T. 8994; Ex. 1169, T. 10,333;

Ex. 1219, T. 10,538

25 f. Ex. 877, T. 8987
WW-23a. a. Ex. 2676, T. 23,337

Maritime Province. The evidence is clear that
Japan's aggressive intentions against the USSR were
limited only by the uncertainty of the outcome with
the necessary dispersal of Japanese forces in the
anticipated operations against the United States,
Britain and the Netherlands. These facts must be
considered in appraising the contention of the ac-
cused TOGO that at this period he desired termina-
tion of Russo-German hostilities.^c Such a desire,
if it existed, could only have been borne out of
the hope that Japan's burden in a general war would
be lessened if her opponents could be divided in such
manner as to permit of their defeat singly.

WW-24. On 14 November, NOMURA wired TOGO
that he would continue the negotiations and fight
for success to the very end. He warned that the
United States would oppose any Japanese moves to the
north or to the south and was prepared to fight.
Many nations would participate in the war, which
would be a long one, and victory would come to the
side which was able to hold out the longest. The
present war was already turning against Germany and
although the United States was to some extent occupied

WW-23a. b. Ex. 2676, T. 23,338-40
c. Ex. 3614, T. 35,395; Ex. 3629, T. 35,553;
T. 35,742

1 in the Atlantic Ocean, she was prepared to turn all
2 her strength to the Pacific at a moment's notice.
3 This clear warning by NOMURA against opening the war
4 was ignored by TOGO who, in his answer to NOMURA's
5 telegram, stated that he full well realized the
6 truth of his statements but that the fundamental
7 Japanese policy had been laid down and that it was
8 out of the question to wait any longer and see what
9 course the war would take. NOMURA must understand
10 that he had only a few more days and that further
11 delay was impossible.^a

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25 WW-24.

a. Ex. 1177, T. 10,376
Ex. 1178, T. 10,380

On November 15, NOMURA had a further conversa-
tion with Hull, during which the Secretary of State
expressed doubt as to the sincerity of Japan's peaceful
intentions as long as Japan remained allied to
Germany. On 16 November, TOGO, in answer to the
American request for a re-statement of Japan's peaceful
intentions, instructed NOMURA to inform the United States
that there was no objection to their acknowledgement
but at the same time he was to point out that this
acknowledgment pre-supposed a successful conclusion
of the negotiations and that, should the negotiations
end in failure, Japan would not be bound by any state-
ments of this nature.^b On 18 November, seven days before
the final deadline set by the accused for the conclusion
of the negotiations, KURUSU, after his first meetings
with President Roosevelt and Secretary of State Hull,
wired the accused, stating that the United States was
sincere in wishing to conclude the negotiations and was
not delaying them purposely. He warned TOGO that Japan
should not resort to actions that could not be amended
afterwards. He also warned him that the United States
would not agree to the Japanese proposal "B", which
was too vague and too general.^c

WW-24 b. Ex. 2934, T. 26,006;

Ex. 2936, T. 26,021;

Ex. 2937, T. 26,023.

c. Ex. 1179, T. 10,383

WW-25. The same day, 18 November, the accused
1 explained his foreign policy to the Japanese Diet. He
2 stated that Japan had been engaged in military opera-
3 tions for the past four years and was now marching on
4 to surmount current difficulties. Japan had always
5 been striving for peace in East Asia and for that pur-
6 pose had had to overcome many crises and remove many
7 obstacles. An especially noteworthy effort in that
8 respect had been the Russian-Japanese War. Japan was
9 now advancing as the stabilizing force in East Asia
10 and was endeavoring to inaugurate peace in the whole
11 world. Germany and Italy, having the same aims as
12 Japan, had joined with her in the Tri-Partite Pact and
13 during the past year this Pact had contributed greatly
14 to the construction of a new order in Europe and Asia.^a
15 This speech on foreign policy, which can not be classif-
16 ied as a wartime speech and which was given to explain
17 the policies of the Cabinet to the Japanese Diet,
18 should counter effectively the accused's allegations
19 concerning his opposition to the Tri-Partite Pact.^b His
20 explanation that his actions as Foreign Minister were
21 not always in accordance with his private convictions
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23 WW-25

24 a. Ex. 2743, T. 24,376-7

25 b. T. 35,662, T. 35,989
T. 36,040

is, of course, no defense at all.^c

1 WW-26. By this time only one more week was
2 left for coming to an agreement with the United States.
3 Therefore, in the Liaison Conference on 18 or 19
4 November the accused proposed that the Conference should
5 approve the submission of Proposal "B".^a This was
6 agreed to, the necessary instructions to NOMURA were
7 dispatched, and the proposal was submitted to the
8 United States authorities on 20 November.^b On 22
9 November the United States, having made it clear that
10 they would not be in a position to reply to this
11 proposal before the 25th, the accused informed his
12 ambassadors in Washington that, although it was very
13 difficult to bring any change in the deadline previously
14 established, Japan would be prepared to wait four more
15 days -- until 29 November -- if the negotiations could
16 be finished and the signing of the formal agreement
17 completed by that time. This time, however, the deadline
18 could absolutely not be changed and after 29 November
19 things would automatically begin to happen.^c The
20 accused states that the purpose of Proposal "B" was
21 by restoring conditions to something resembling normal
22 relations to create a calm atmosphere and remove the
23 WW-25. c. T. 36,041.
WW-26. a. T. 26,028 c. Ex. 1183, T. 10,399;
b. Ex. 1180, T. 10,387; Ex. 1186, T. 10,407;
Ex. 2941, T. 26,029; Ex. 2946, T. 26,048.
Ex. 1245H, T. 10,811.

imminent threat of an outbreak of war.^d Both the
1 accused and the defense witness YAMAMOTO stated that
2 they had confidence that Proposal "B" would prove
3 acceptable, and that they had full hopes than an agree-
4 ment could be reached on the basis of this reasonable
5 proposal.^e In reality, the situation was different
6 from the one the accused now tries to establish. In
7 the first place, it is clear that he never had much
8 confidence that the United States would accept the
9 Japanese proposal and he informed his ambassadors in
10 foreign countries to this effect, stating that there
11 was very little probability that America would accept
12 this final proposal of Japan and that Japan might well
13 be confronted with the worst in the near future.^f In
14 the second place, exhibit 3445, a draft submitted by
15 the accused MUTO to the Foreign Ministry for the action
16 Japan would have to take if the United States agreed
17 to the Proposal "B" clearly contradicts the assertion
18 that it was the intention to create a calm atmosphere
19 for further negotiations.^g The accused states that
20 the proposals of this draft were changed at his
21 insistence.^h It may be true that his interpretation

24 WW-26 d. T. 35,698
e. T. 26,041, T. 35,703
f. Ex. 3837, T. 38,074-5
g. Ex. 3445, T. 33,037-42
h. T. 35,703

of an agreement to be reached with the United States
1 was less extreme than laid down in this draft but from
2 the instructions which he in fact did give, it is clear
3 that the demands which Japan was to make, and which he
4 allegedly considered reasonable, were not essentially
5 different from the ones laid down in this draft. In
6 the first place, as has been discussed before, the
7 clause that the United States would refrain from
8 measures which would be prejudicial to the restoration
9 of peace between Japan and China did mean the immediate
10 halting of any further aid to the Chinese Government
11 by the United States and Great Britain. This is
12 confirmed by the accused's own instructions and state-
13 ments.¹ The immediate lifting of freezing restric-
14 tions against Japan meant that this country would be
15 provided with further materials. These points corres-
16 pond to items 3 and 4 of the MUTO draft. The accused
17 did also instruct his ambassadors in the United States
18 that at the same time that Proposal "B" was agreed to
19 an agreement would have to be made with the United
20 States that Japan would be provided with 4 million
21 tons of oil annually from the United States and 2
22 million tons annually from the Netherlands Indies.

24 WY-26

25 1.Ex. 2947, T. 26,051;
Ex. 1185, T. 10,407

The accused tries to justify this instruction by stating
1 that the average Japanese imports over the years 1938
2 to 1940 were 4 million tons and that in 1940 Japan had
3 almost concluded an agreement with the Netherlands
4 Indies for an annual amount of 2 million tons.^j It
5 must, however, not be forgotten that Japan only tried
6 to contract for these 2 million tons after oil imports
7 from the United States had virtually ceased and that
8 the total imports over the years 1938 to 1940 never
9 exceeded 4 million tons, as is admitted by the accused,
10 and is also apparent from the testimony of the witness
11 Liebert.^k During those years Japan was not only fight-
12 ing a war in China but also creating large reserves for
13 future need.^l Had proposal "B" been one which was
14 directed at peace, both with China and with other
15 countries, Japan would have needed less oil and there
16 would have been no necessity for continuing the storage
17 of large reserves. Although the total amount desired
18 by Japan is less than that laid down in items 1 and 2
19 of the MUTO draft, the policy adopted is not essentially
20 different from the one proposed in this draft and the
21 purposes for which this large amount of oil was needed
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24 WN-26 j. Ex. 2944, T. 26,041; T. 35,703

25 k. Ex. 840, T. 8286;

Ex. 844, T. 8286

l. Ex. 840, T. 8286

Ex. 844, T. 8286

1 can well be imagined, for according to the accused's
2 instructions the amount was to be increased gradually.

3 WW-27. On 25 November the Anti-Comintern
4 Pact, concluded in 1936, was prolonged for a further
5 five years and several more Axis Nations adhered to it.^a
6 The accused contends that it was through his efforts
7 that the secret protocol attached to the Pact was
8 abrogated and that as regards the prolongation of
9 the Pact itself, Japan was already committed before
10 he came to office.^b Even though former Foreign
11 Minister MATSUOKA may well have discussed the subject
12 of the prolongation of the Pact with the German
13 authorities, it was still the accused who agreed to
14 and effected the prolongation. The defense evidence,
15 through witnesses, that it was only through the personal
16 efforts and initiative of the accused that the Secret
17 Protocol was abrogated^c is clearly contradicted by his
18 own statements to the German Ambassador at the time.^d

19 The reason why there was no necessity to prolong the
20 Secret Agreement was clarified by himself to the Privy
21 Council on 21 November 1941.^e Germany was at war with

22 WW-27

23 a. Ex. 495, T. 6046; Ex. 496, T. 6046

24 b. T. 35,663; Ex. 2694, T. 23,563-4

25 c. T. 35,663; Ex. 2623, T. 35,466

 d. Ex. 3835, T. 38,066

 e. Ex. 1182, T. 10,391

1 Russia and Japan was not, and another alliance between
2 Germany and Japan, the Tri-Partite Pact, had superseded
3 this one. The accused added on this occasion that as
4 regards the Netherlands Indies, although consultations
5 would still have to take place to reach a definite
6 agreement, Germany understood that they came within
7 Japan's New Order Sphere.

8 WW-28. On 25 November, the Japanese Foreign
9 Ministry authorities in French Indo-China cabled to the
10 accused, stating that they were advised that the United
11 States' reply to the Japanese proposals was to be
12 received that same day and that Japan's military forces
13 were prepared to move. TOGO was requested to keep them
14 informed about the measures to be taken and to notify
15 them whether the status quo in French Indo-China was
16 to be maintained after the outbreak of war.^a The same
17 day the Japanese Ambassador in Thailand informed the
18 accused of the results of his conversations with the
19 Thailand Prime Minister. If Japan moved Southward,
20 Thailand would have to be brought into the Japanese
21 campaign. For an attack on Burma and Malaya a temporary
22 infringement of Thailand territory would be necessary,
23 but restitution of Thailand sovereignty should be

25 WW-28

a. Ex. 1187, T. 10411

1 effected as soon as possible. He requested the accused
2 to consider these points when making Japan's proposal
3 to Thailand for co-operation and joint defense.^b The
4 final preparations for Japan's military advance were
5 now under way.

6 THE PRESIDENT: We will adjourn until half-
7 past nine tomorrow morning.

8 (Whereupon, at 1600, an adjournment
9 was taken until Tuesday, 2 March 1948, at
10 0930.)

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MM-28

b. Ex. 1188, T. 10,414